The Sheriffdom of Clackmannan

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THE

SHERIFFDOM OF CLACKMANNAN

A SKETCH OF ITS HISTORY

WITH LISTS OF ITS SHERIFFS AND EXCERPTS FROM

THE RECORDS OF COURT

Compiled from Public Documents and other Authorities

WITH

PREFATORY NOTES ON THE OFFICE OF SHERIFF IN SCOTLAND, HIS POWERS AND DUTIES

BY

JAMES WALLACE

SHERIFF-CLERK OF CLACKMANNANSHIRE

EDINBURGH: JAMES THIN

1890

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THE SHERIFFDOM OF CLACKMANNAN.

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PREFATORY NOTES.

I. Institution of the Office of Sheriff.

The domestic history of Scotland previous to the reign of David I., and the manner in which justice was then administered, are involved in great obscurity. The historians and annalists of that remote period have confined themselves almost exclusively to narratives of the public affairs of the country, and although the names of some officials such as Maormars, Thanes, and others are mentioned, their particular duties are not explained.

Previous to the reign of Malcolm Canmore the country which afterwards formed the kingdom of Scotland was divided into a number of provinces, the rulers of which rendered a very doubtful allegiance to the individual who bore the name of king.

Malcolm Canmore, however, having succeeded to some extent in consolidating the kingdom, his sons, Edgar, Alexander I., and more especially David I., continued the policy which had been inaugurated by their father, and gradually altered the form of government from the Celtic to the Saxon and feudal forms. Malcolm had lived and died a Celtic monarch. But

his sons adopted the laws and customs of the Anglo-Saxons, and along with these the feudal laws which were then coming into repute.

With that object, and apparently with the farther desire of strengthening the power of the Crown, they instituted the office of SHERIFF, who was intended to be a Minister of the Crown for collecting the Crown revenues, executing the king's writs, and dispensing justice in the king's name and by his authority. And they endeavoured to appoint one of these officers in every province or shire into which the kingdom had been divided. They were successful to a considerable extent; but notwithstanding their exertions and those of later sovereigns, the appointment of Sheriffs to the different provinces was very gradual.

The first notice which occurs of a Sheriff in Scotland is in a charter of Alexander I., when Malcolm is mentioned as the first known *Vicecomes* of Scone. In the reign of David I. the Sheriffs became more numerous, and many of the thanedoms were formed into sheriffdoms, and at the time of the usurpation of Edward I. of England the greater part of Scotland had been placed under these provincial judges, because Edward in his Ordinance for the government of Scotland, which was published in 1305, named Sheriffs for almost every shire into which Scotland is at present divided.

The Sheriff or *Vicecomes* was originally a Saxon officer, and was introduced into Scotland from England.

The Earl or *Comes* was a well-known official among the Franks and Anglo-Saxons, and, according

to Robertson, he also was introduced from England into Scotland, where he appears to have taken the place of the Celtic Maormars. He was in Frankish countries a royal deputy, answerable for the due collection of the royal revenue, and exercising, as fiscal judge, over the population dependent upon the Crown, a jurisdiction which, however, did not extend over the allodial property or its owners. In Scotland, at the time when Alexander I. came to the throne, the Earl was the High Steward of the Crown in the district comprehended within his earldom. He was, however, besides being the judge, the territorial proprietor of his earldom; and it seems to have been the policy of Alexander and David to supersede the authority of the Earl or *Comes* by that of the Sheriff, who was thus called, as in England, the Deputy of the Earl, or *Vicecomes*.

In England, at the time of the Norman Conquest, the Sheriff was a royal official, and the presiding officer in the County Court, who also put in force the warrants and sentences of the Crown. When, therefore, he was introduced into Scotland, it was evidently intended that he should be an official who should be more responsible to the Crown than the former governors of counties, and that he should administer justice in name of the sovereign, and collect the royal revenue for behoof of the Crown.

Many other duties were afterwards devolved upon him, but he was and has always remained the Crown official in the county with the interests of the public under his charge, as distinguished from his predecessors the Earls and his former contemporaries the Lords of

Regalities, who exercised their authority more as territorial proprietors, and for their own benefit than for the benefit of the sovereign. He was also distinguished from the provosts and bailies of burghs, who consulted the interests of their respective corporations.

The duties of the Sheriffs appear to have been much the same in England as in Scotland for some time after the institution of the office in this country. But by an Act of Edward III. the Sheriff in England was prohibited from holding office for a longer period than one year; and by a later statute he was debarred from holding criminal courts. He thus lost the judicial status with which he had been formerly invested, and became little more than an administrative officer of the Crown and principal conservator of the peace. In Scotland, on the other hand, his powers were extended. His office was often made hereditary, and was held by the leading noblemen in the kingdom. He possessed extensive criminal jurisdiction, and before the institution of the Court of Session he was the principal civil judge in the country.

The Sheriff has always been a strictly territorial judge. Unlike the former Justiciar or Chamberlain, or the Court of Session, whose powers extended over the whole kingdom, the authority and jurisdiction of the Sheriff have been confined to the shire over which he is placed; and that principle was so fixed, that it was formerly held that all acts done by him or warrants signed by him out of his shire were inept, although the warrants were only intended to be put into execution within his territory.

Even within that territory, however, there were

districts in which his judicial authority was denied. These were the regalities over which were placed Lords of Regality, who exercised by themselves or by their bailies, within their respective regalities, supreme judicial power.

The origin of these regalities does not seem to have been properly explained. No doubt, when the feudal system became more fully developed in this country, regalities were founded and the rights of the overlords exercised in accordance with feudal law; but when these separate jurisdictions were first introduced, the feudal system was not fully in force in Scotland, and it seems surprising that our kings, while appearing to be anxious to strengthen their authority by the appointment of Sheriffs, should have permitted so many portions of the kingdom to remain in the hands of independent judges. Possibly that may have arisen from some peculiarity in the tenure by which these lands were held, as if they were allodial possessions our kings may have found it difficult to induce the owners of the estates to assign them and convert them into fiefs, unless their former rights were reserved to them. But whatever was the cause, regalities appear to have been at least as old as the Sheriffs; and after these rights had been recognised, they were bestowed by the favour of the sovereign upon the greater barons and clergy in great numbers, to the serious embarrassment of the central authority.

A similar holding appears to have existed in England, where such districts were called Counties Palatine. But it was on the Continent, and more especially in France, where the feudal nobility

encroached in this manner upon the power and jurisdiction of the Crown.

In Scotland the grant of a regality gave its possessor power to hold civil as well as criminal courts, independent of both the Justiciar and the Sheriff. Appeals might be taken to the King in Council, but no inferior judge was entitled to interfere, unless the Lord of Regality delayed to do justice. When a Sheriff proposed to take up such a case, the accused was reclaimed by the Bailie of Regality, and tried in the Baron's Court. These privileges were tenaciously held for the sake of the fines and fees of Court, which were considerable, and it was not until the passing of the Act of 20 Geo. II. c. 73, by which all heritable jurisdictions were abolished, that the regality lands were placed under the jurisdiction of the Sheriff.

When the Sheriff was first appointed, he was not made an absolute judge, but was controlled by a council. That council was the assize or jury who heard the cases along with him, and decided upon matters of fact. Mr. Cosmo Innes asserts that trial by jury originated in church courts;[1] but whether that was the case or not, the ordinances and retours of the time of Alexander II. and Alexander III. show that the system of trial by jury in civil causes was then in full observance.

As the jury or assize formed so important a part of the Sheriff's Court, and was the foundation of the present system of trial by jury, it may be desirable to notice in detail its constitution and history.

The earliest notice of an assize in this country is

[1] *Lectures on Scotch Legal Antiquities*, p. 213.

contained in the laws of David I., and in a statute of Alexander II. of the year 1248, in which it is declared that assizers of life or limb shall consist of leal men of good fame holding free by charter.

In the law of David I. it is provided: "The king has statute also that no man ought to thole (receive) judgment from a less person than from his peers, that is to say, an Earl by Earls, Baron by Barons, vavasour (laird or gentleman) by vavasours, burgess by burgess, but a less person may be judged by a higher person, and not a higher by a lesser person."

And again, "Breiffis of Mortancestry and New dyssesing" must be heard by an assize of twelve good men of the country.

One of the laws of the four burghs also bears that burgesses must be tried by their peers.

According to the Regiam Majestatem (cap. 12), the assize was to consist of twelve men, who were to be unanimous; and no person ought to have been placed upon it unless he was personally cognizant of the question at issue. But that is evidently a quotation from Glanville, and it is not consistent with the previous practice; because in some of the earliest retours cited by Mr. Innes, the number of jury named in them was thirteen, with the addition "et aliis," showing that their number exceeded twelve. In fact, the jury did not at first consist of any definite number, but they soon came to be fixed at fifteen.

The earlier assize were witnesses as well as jurymen, and they could proceed upon what they knew themselves as well as what they were told by others.

This is not only asserted in the Regiam Majestatem, but appears from the form of the oath which has come down to the present time. In criminal cases the jury are still sworn, "the truth to say, and no truth to conceal," in so far as they are to pass upon the inquiry before them.

The class of persons from whom assizers were taken were at first the Crown vassals, supplemented by vassals holding from a subject superior.

This seems to be the import of the Acts of David and Alexander before mentioned, and the regulations in the Courts of the Justiciar. The Act of Alexander bears that the assize must be men of good fame, holding free by charter; while that of David provides that they are to be good men of the country.

The form of process again in the Justice Ayre, bears that the Sheriff shall summon to the public Ayre twelve or sixteen men from each barony, four or six from each tenantry or town, and twelve or sixteen from each burgh, along with the sergeant, smith, miller, brewer, and a suitor of each barony, town, or tenantry; that is, every person in the baronies, towns and tenantries embraced within the circuit, who were bound by their charters to give suit or service.

The service of these vassals as jurymen must have been felt to be very irksome, and it was frequently evaded, as appears from the numerous Acts of Parliament passed on the subject.

By an Act passed in the reign of James I. (6 March 1429), the qualifications of jurymen were again defined, and it was declared that all freeholders

dwelling in a sheriffdom should compear at the Sheriff's head courts in their proper persons, with their seals, unless they had a sufficient reason for their absence, in which case they were directed to send a "sufficient gentleman" in their stead, with the seal of their arms. "And should the Court be weak in point of numbers, and not have sufficient freeholders within the royalty, that in that case the gentlemen of the regalities in the sheriffdom shall attend at the warning of the Sheriff, and the absentees shall be fined."

In consequence probably of that Act, the freeholders appear to have adopted the practice of sending deputies to represent them, who were sometimes professional lawyers, and received a fee for their attendance. But the Sheriff was not bound to admit any one whom a freeholder might choose to send as his representative, but was entitled to examine the party respecting his qualifications for the office, and to reject him if found unqualified.

In a later Act passed in 1579, the assize in an inquest of perambulation was again defined. They were to be "*probi et fideles homines patriæ*, that is, honest and substantious men having heritage of their own."

No exemptions from serving on an assize were admitted, except age or inability to travel. Inhabitants of burghs, however, were exempted from serving when the alleged crime was committed beyond four miles from their burgh. Surgeons, barbers, and apothecaries were subsequently exempted.

The responsibilities of an assize were considerable. They were liable to be called to account for the

correctness of their verdict; and if their decisions or "dooms" were reversed by Parliament, they were liable in a fine.

The selection of an assize from the individuals liable to serve appears to have been left at first to the prosecutor or the judge, and that practice continued till the Usurpation.

The Act of 1672 provided that a roll of assizers was to be made up for the Justiciary Court, and the list of jury for each trial was to be signed by the judge and served upon the accused, who was entitled to state objections to particular persons. But the limitation of the assize to freeholders appears to have been given up by that time. The rule, however, that a landed proprietor could only be tried by a majority of landed men, was still in observance.

As the judge was required to sign the list of assize which was served upon the accused, that gave him great power in the choice of the members of the jury, and that power was frequently complained of, especially in political trials. Another practice was introduced in the beginning of the eighteenth century which increased the power of the Court in controlling the verdict, and that was requiring the jury to return special verdicts. At first, juries gave general verdicts. They simply answered that the prisoner was guilty or not guilty, "fyled" or "clean." But about the year 1728 they began, or were asked, to pronounce special findings upon the different points put to them, and the Court upon considering these answers decided whether the facts so found to be proved amounted to the crime charged. After some time, however, the jury refused

to give special verdicts, and returned to the ancient practice.

The mode of making up the jury roll introduced by the Act of 1672, continued till the reign of George IV., but it was altered by an Act of Parliament passed in that reign. By that Act (6 Geo. IV. cap. 22), which is still in observance, the Sheriff of each county is required to make up a list of all persons in his county liable to serve, dividing them into two classes — special and common. The special jury consists of persons possessed of heritable property yielding £100 of yearly rent, or who are worth personal estate to the amount of £1000. The common jurymen must be possessed of lands of the yearly value of £5, or of personal property to the extent of £200. And the Sheriff is required to see that the number of special jurymen on the roll shall not be more than one-third of the number of common jury. These lists are prepared or revised at least once every three years, and the jury called to serve in each particular case are taken from the names in the lists in regular rotation.

To return, however, to the earlier practice of the Sheriff Courts, it may be said that juries were required for the trial of all cases, civil as well as criminal, before the Sheriff. And freeholders, or their substitutes, were required to attend all the ordinary courts for that purpose.

The Sheriffs were appointed by various Acts to hold three head courts in each year. They had been previously directed to hold an ordinary court for the despatch of business every forty days, and to dispose

of all criminal charges within a like period. But it is very doubtful whether these injunctions were observed. And the frequent attendance at these courts which was required from jurymen, appears to have been felt as a great burden.

It has been already stated that Edward I., after the deposition of Balliol in 1305, published an Ordinance for the government of Scotland, in which the existing Sheriffs were continued, or new ones appointed to the greater number of the present shires. The counties which were thus provided with Sheriffs were Aberdeen, Ayr, Banff, Clackmannan, Dumbarton, Dumfries, Edinburgh, Elgin and Forres, Fife, Forfar, Haddington, Inverness, Kincardine or the Mearns, Lanark, Linlithgow, Peebles, Perth, Stirling, and Wigtown. Of the remaining shires, Berwick was made a dependence of the Governor of Berwick Castle, and the heritable Sheriffs of Cromarty, Kinross, and Selkirk were simply continued in their offices. Nine of the existing sheriffdoms are not mentioned in this Ordinance, viz.: Argyle, Bute, Caithness, Kirkcudbright, Orkney and Shetland, Renfrew, Ross, Roxburgh, and Sutherland. Of these, Argyle, if it was not then a sheriffdom, must have been formed into one very soon afterwards, as Dugald Campbell is mentioned in the Exchequer Rolls of 1326[1] as being then Sheriff. Bute was formerly included in the district of Kintyre, but was formed into a separate sheriffdom about the year 1388, when John Stewart, a son of Robert II., was appointed heritable Sheriff. He is entered in the

[1] *Exchequer Rolls*, vol. i. p. 52.

Exchequer Rolls[1] as Sheriff that year. Caithness was not made a sheriffdom until the reign of James IV. It was an earldom before that time, and under the nominal charge of the Sheriff of Inverness. But it was enacted by an Act of Parliament passed on 15 March 1503 that there should be thereafter a Sheriff of Caithness, whose jurisdiction should extend over all the diocese of Caithness, and who should sit at Dornoch or Wick. Kirkcudbright was never made a sheriffdom. It remains a Stewartry to this day. Orkney, as is well known, was not acquired by the Scottish kings till the reign of James III., when it was given in pledge by the King of Denmark for 50,000 florins, being the dower of his daughter Margaret, wife of James III. It was erected into an earldom or lordship with the rights of a sheriffship in 1581, and was formally annexed to the Crown in 1612. Renfrew is not mentioned by Edward, but the Sheriff of Renfrew appears in Parliament in 1481. Ross is also omitted. The western portion of that county formed at one time a part of the sheriffdom of Argyle. It was separated from Argyleshire, and formed into an independent sheriffdom by Act of Parliament in 1503. The barony of Tarbert was taken from it and annexed to Cromarty in 1685, but was subsequently restored.

Roxburgh was probably under the jurisdiction of the Sheriff of Selkirk in the time of Edward, but it was a separate sheriffdom in the time of Earl David. Sutherland was not erected into a separate sheriffdom until 1633. Previous to that time it formed part of the sheriffdom of Inverness.

[1] Vol. iii. p. 686.

It was the practice of the Crown from an early period to bestow the grant of a sheriffship upon an individual and his heirs, thus converting the office into a heritable right. Latterly such grants had to be ratified by Parliament before their validity was recognised, but they were frequently made. The number of these heritable sheriffships varied from time to time as they were sometimes resigned and occasionally forfeited, while new grants were conferred on Court favourites. But there were generally more heritable Sheriffs than Sheriffs for life or during pleasure. At the accession of George II. there were twenty-two heritable Sheriffs, viz. Argyle, Bute, Banff, Caithness, Clackmannan, Cromarty, Dumbarton, Dumfries, Elgin, Fife, Kinross, Kirkcudbright (Stewartry), Linlithgow, Nairn, Orkney, Peebles, Renfrew, Roxburgh, Selkirk, Sutherland, Stirling, and Wigtown. Three Sheriffs had been appointed for life, viz. the Sheriffs of Perth, Forfar, and Ayr; and eight held office during pleasure, viz. the Sheriffs of Aberdeen, Berwick, Edinburgh, Haddington, Inverness, Kincardine, Lanark, and Ross.

When the heritable jurisdictions were finally abolished in 1746, compensation was awarded to the Sheriffs of Argyle, Bute, Clackmannan, Caithness, Cromarty, Dumfries, Dumbarton, Elgin, Fife, Kinross, Kirkcudbright, Linlithgow, Nairn, Orkney and Zetland, Peebles, Roxburgh, Renfrew, Selkirk, Sutherland, and Wigtown only, the other sheriffdoms having ceased in the interval to be heritable rights, or having merged in the Crown.

II. The Sheriff's Powers and Duties.

The earliest notices of the powers and duties of the *Vicecomes* are contained in the Assizes of David, the Regiam Majestatem, and the Quoniam Attachiamenta. His powers were also confirmed or enlarged by numerous Acts of Parliament passed subsequently, and they are summed up by Sir John Skene in his treatise, *De Verborum significatione.*

It has been shown by Mr. Cosmo Innes that the Regiam Majestatem (the authenticity of which was first called in question by Lord Hailes) is not an authoritative or official exposition of the ancient law of Scotland, but is merely a compilation from a treatise of Glanville, a distinguished English lawyer of the time of Edward I., into which a few fragments of genuine Scotch law have been inserted. And the Quoniam Attachiamenta is a treatise of law and practice the date of which is uncertain, but which Mr. Innes thinks is not earlier than the middle of the thirteenth century. But although the Regiam Majestatem has now been shown to have been the work of a private author, the book was universally accepted as an authoritative work from at least the time of James I. until Lord Hailes first threw doubt upon its authenticity. During the reign of James I. as well as in that of James II. its authority was unquestioned. In the third Parliament of James I. (1425) a Commission was appointed to digest the laws in that book, and in the eighth Parliament of James III. (20 Nov. 1475) an Act was passed in which it was enacted that an assize

convicted of partiality or injustice should be punished "after the form of the auld laws contained in the book of Regiam Majestatem." In numerous other statutes the authority of the Regiam Majestatem was assumed, and thus, whether legitimately or otherwise, it regulated the practice of justice in the country.

The Regiam Majestatem may therefore be accepted as containing an account of our former law and practice, and in particular as explaining generally the Sheriff's powers and duties, although it is not always correct.

Before mentioning the Sheriff's jurisdiction, however, it may be convenient to notice shortly the other judicial powers that existed in Scotland in early times along with the Sheriff.

The King's Justiciar was highest in rank. There appear to have been sometimes only one Justiciar and sometimes two; one for the country south of the Forth, and the other for the country lying north of that river. But whether one or more, their jurisdiction was principally criminal, although they sometimes entertained actions of spulzie. They took cognizance of treason, sedition, murder (except when the offender was caught in the act or red-hand), rape, robbery, wilful fire-raising, coining and forgery, theft, and other minor offences. The trial of treason, however, was generally reserved for the Court of Parliament.

Parliament as a civil court was principally a court of appeal, but it sometimes heard and determined civil causes in the first instance.

The principal civil courts besides those of the Sheriff's

were the church courts, which took cognizance of all questions of status, marriage, divorce, legitimacy, etc., questions of slander, wills, testaments, probates, and the like, all disputes between churchmen, the cases of widows and orphans, and questions arising upon contracts when the latter had been sanctioned by an oath.

The ecclesiastical courts thus absorbed a large portion of the legal business of the country, but the Sheriff was the principal civil judge; and it was provided by an Act of David I. that it should not be lawful for any bishop, abbot, earl, baron, or freeholder to hold their courts unless the Sheriff was either present or had been summoned to attend.

The Sheriff's powers and jurisdiction may be classed under four heads—1st, his powers as a criminal judge and conservator of the peace within his sheriffdom; 2nd, his powers as a civil judge; 3rd, his powers as a military governor; and 4th, his powers and duties as the officer of the Crown charged with carrying out the royal warrants and orders, and with collecting a portion of the royal revenue within his county.

These powers varied at different periods, and were more extensive before the institution of the Court of Session than afterwards.

According to the Regiam Majestatem, the Sheriff's criminal jurisdiction extended to the cognizance of murder when the offender was taken red-hand, manslaughter or culpable homicide, theft, and breaches of the peace. By subsequent Acts of Parliament he was further empowered to try sorners, idle men, masterful beggars, and gipsies, as well as charges of coining,

witchcraft, breaches of the Game Laws, and numerous other offences. As conservator of the peace he was further bound to apprehend all criminals and hand them to the proper authorities; and if he had reason to suspect that any one was threatening violence to another, it was his duty to bind him over to keep the peace. He was also enjoined "thrice in the year to hunt the wolfe and whelps." He also acted as the assistant of the Justiciar, prepared the cases to be tried by that judge, and attended at his sittings.

As a civil judge the Sheriff had jurisdiction to review the decision come to in the Courts of Barony within his county. He could also entertain all questions between baron and baron, — all questions respecting heritable rights, the rights of bondmen or slaves and their alleged masters, — pleas relative to homage and receiving of reliefs, try brieves of terce, recognition of mortansestry and inquest, actions of molestation, removings, ejections, spulzie, poinding, and personal actions of all kinds.

The Sheriff was also in some respects the military governor of his sheriffdom. He was directed by an Act of James I. to see that each man in the county was provided with arms according to his estate and the rent drawn by him. He was further appointed by a later Act of James IV. to provide places in every parish for the practice of archery. He had also charge of the weaponshaws or meetings for drill, which were sometimes held quarterly and sometimes half-yearly; and when the militia were called out, he appears to have taken the command of the contingent from his own county. And in connection with these duties

he was frequently appointed keeper or constable of the royal towers or castles in his sheriffdom.

These duties fell into disuse after the union of the two Crowns, but they were most important so long as the country was exposed to invasion from England.

As officer of the Crown, the Sheriff was charged with the execution of the royal writs and letters issuing from the Signet Office. These were numerous and important, and they affected the Crown as well as the subject. If the Sheriff failed in his duty, he was liable to punishment by fine or imprisonment. He had also the collection of a portion of the Crown revenues. Public taxes being few and almost entirely limited to Customs, the Crown depended for its support mainly upon the rents of the royal domains and the feu duties and other casualties exigible from the Crown vassals, with the fines and other issues of Court and forfeitures.

The Customs and the rents of the royal estates were received by other officers; but the Sheriff had the duty assigned to him of collecting all the feudal casualties, fines and forfeitures, within his shire. He was appointed to account for these yearly to the king's chamberlain or treasurer, but it was seldom that this was done so often. From time to time, however, the chamberlain made a circuit of the kingdom, and called each Sheriff to account.

In the course of time the powers, duties, and influence of the Sheriff were much curtailed.

The Court of Justiciary was established in 1672 in place of the Justiciar, and regular Circuit Courts were appointed to be held by the new judges, who were also

judges of the Court of Session. The jurisdiction of the Sheriffs was not directly interfered with. They were still recognised as competent to try all criminal charges except the four pleas of the Crown; but the existence of a supreme Court, that held its sittings throughout the country, and which had power to receive complaints against the Sheriffs themselves, necessarily diminished their influence, and reduced them in time to an inferior position.

Prior to that time, however, the erection of the Court of Session by James V. in 1532, had deprived the Sheriffs of the more important part of their civil business. The Sheriff Courts are not mentioned in the statute by which the Court of Session was instituted, but that Court soon asserted its supremacy, and the Sheriffs sank into the position of inferior judges, subject to the control of the new Court. They were required to follow the course of practice introduced by the Court of Session. They were deprived of the power of judging in questions of heritable right. The use of brieves in trying causes, except in a few special cases, fell silently into abeyance, and the attendance of jurymen in ordinary civil cases was also dispensed with. The judges in the Court of Session decided their cases without an assize, and the Sheriffs came to do the same. The Court of Session did not proceed upon brieves, but upon summonses, which the judges of that Court issued in the king's name, but on their own authority; and the Sheriffs adopted a similar course. In the few cases involving questions of heritable right or the liberty of the subject, which were still preserved to them, such as the service of heirs, actions of peram-

bulation, proceedings for assigning to widows their legal share of their deceased husband's heritable estate, the sanity or insanity of a person, and his power of managing his property and the like, the use of brieves was continued, and in such proceedings the services of an assize were taken as formerly, but in all other cases the brieve was abolished.

The Sheriffs continued to hold their Courts under these circumstances till the year 1748 ; but in that year all heritable jurisdictions were abolished by the Act of 20 Geo. II. cap. 43, and that Act made a great change, not only in the constitution of the Court, but also in the Sheriff's jurisdiction and extent of business.

As has been stated formerly, the union of the crowns had deprived the Sheriffs of all necessity for military action. The erection of a Court of Exchequer relieved them from the collection of the public revenue. And when the Act of Geo. II. was passed, the Sheriff was only the local judge and magistrate, and officer of the Crown for putting certain warrants in force.

That Act altered entirely the character of the acting Sheriff. Instead of the county gentleman of some rank, and, in most cases, the owner of land in the shire, who formerly filled the office, the Act substituted a professional lawyer as Sheriff-Depute. It declared that he should be an advocate of at least three years' standing in his profession, and provided that he should reside at least four months in the year within his sheriffdom. The Act further annexed one or two of the smaller shires to the neighbouring counties.

The Act in thus declaring that every Sheriff-Depute should be an advocate, and in not requiring a longer

residence in the county than four months in the year, appears to have assumed that he should spend the remaining eight months in attendance on the Supreme Courts, which, in fact, came to be the case with respect to the majority of the Sheriffs, and in view of that contingency the Act permitted the Sheriffs-Depute to appoint substitutes to officiate during their absence from their counties. The office of Sheriff-Substitute, however, was no novelty in the history of Sheriffs. From an early period it had been the practice of the heritable Sheriffs to appoint deputes in their place, a practice which was sanctioned by the Scottish Act of 1540, c. 73, and the deputes sometimes named substitutes. Thus in 1728, Colonel Dalrymple, the heritable Sheriff of Clackmannanshire, appointed his son, Mr. James Dalrymple, who was an advocate, as his depute, and Mr. Dalrymple again appointed Mr. Andrew Stein of Kennetpans to act as his substitute during his absence. It is believed that the Sheriff-Clerk often held the office of Sheriff-Depute or Substitute under the heritable Sheriffs, and the union of the two offices was not considered irregular. Such at least was the practice in, amongst others, the counties of Aberdeen, Perth, Fife, and Clackmannan as far back as the records of the Courts extend, and it was continued to a recent date. It appears evident, however, that the Sheriffs-Depute were considered by the Legislature after 1748 as the responsible judges, and the substitutes whom they might appoint were regarded as little better than their agents.

The order introduced by the Act of 1748 [1] remained

[1] 20 Geo. II. cap. 43.

unchanged till the passing of the Judicature Act in 1824.[1] Each Sheriff was permitted to regulate the form of procedure in his own court, and to appoint his own substitutes without control. But the business in the courts having increased considerably, and the Royal Commission that had been appointed in 1824 to inquire into the practice of the Scotch Courts having recommended some changes, the Court of Session was authorized by the Judicature Act to pass an Act of Sederunt for establishing uniformity of procedure in the different counties. Such an Act was accordingly passed in 1825, by which the form of process in all Sheriff Courts was regulated. That Act did not interfere with the status of the Sheriffs.

In 1838 an Act of Parliament was passed by which the four months' residence of the Sheriff-Depute in his county was dispensed with, and he was required, instead of such residence, to attend upon all necessary occasions, and to hold at least eight courts within his sheriffdom during each year. He was also required to be in habitual attendance upon the Court of Session. The Sheriff-Substitute was also recognised as the permanently resident judge. He was directed to reside personally within his jurisdiction, his salary was raised, he was declared irremovable except with consent of the heads of the Court of Session, and he was prohibited from engaging in trade or other business within his sheriffdom.

In the year 1853 two Acts of Parliament were passed, by the first of which the Sheriff's power to hold courts was further regulated ; and by the second, a number of

[1] 6 Geo. IV. cap. 120.

separate counties were combined into one sheriffdom and placed under the same Sheriff.

The plan of thus grouping independent counties together, and of placing them under a single Sheriff-Principal, was carried farther by another Act passed in 1870, by which the jurisdiction of some of the Sheriffs was extended over so many shires as to deprive them of the power of exercising that personal superintendence of their sheriffdoms which was formerly expected from them. The Home Secretary was also authorized to prescribe the number of courts which each Sheriff was to hold, with the times and places at which he should sit.

In 1875 the Home Secretary was further empowered by an Act passed in that year to direct the Sheriff-Substitute in one county to officiate in an adjoining one, although under charge of different Sheriffs-Principal.

The judicial powers of Sheriffs have varied somewhat since the institution of the College of Justice. They were deprived, as has been seen, of their jurisdiction in questions affecting heritable right; but that jurisdiction has recently been restored to a limited extent, and they have had a large amount of new business devolved upon them.

At the present time their jurisdiction is as follows :— In criminal matters the Sheriff has in practice the exclusive cognizance through his procurator-fiscal of all charges made against parties for crimes committed in his county. He causes the alleged offenders to be apprehended, and he commits them for trial. He also tries in a summary form all police offences and petty

delinquencies, for which he can fine to the extent of £10 or imprison for sixty days,—police magistrates and justices of the peace having a co-ordinate jurisdiction with him in these cases. He has further jurisdiction, with the assistance of a jury, in all the more serious crimes, with the exception of the four pleas of the Crown and such as can only be punished by penal servitude as coming in place of transportation. His powers of inflicting punishment extend in theory to that of death or imprisonment for an unlimited period. But it is almost needless to say that in practice he never exercises such powers, and the greatest punishment now inflicted by him is one of two years' imprisonment with or without hard labour.

As a police judge or magistrate he has also to inquire into the cause of all sudden deaths, as well as to try offences against the Game Laws, and a variety of statutory offences too numerous to mention. Indeed, it is hardly an exaggeration to say that scarcely a Session of Parliament passes without some addition being made to his jurisdiction in that respect.

As a civil judge he has the cognizance of questions of heritable right when the property in dispute does not exceed £1000, or an annual value of £100. He has also jurisdiction, concurrently with the Court of Session, in personal actions from £25 upwards to an unlimited extent, and exclusive jurisdiction in such actions when the sum sued for is under £25. He has also jurisdiction in all possessory actions, whether these relate to heritage or moveables, as well as in servitudes. He has farther jurisdiction in Admiralty questions arising within his sheriffdom or in the harbours and

waters connected with it. He has the sole jurisdiction in the first instance in the appointment of executors to deceased persons, and the confirmation of wills, thus coming in place of the old Bishops and Consistorial Courts; and he has been recently authorized to appoint factors or guardians of estates of small amount belonging to pupils and other persons unable to manage them themselves. He cannot judge, however, in questions of status, such as legitimacy, or in actions of declarator of marriage, separation, or divorce. But he assists minors in choosing curators for themselves during their nonage; and he has so far the superintendence of lunatics, that his warrant for their confinement is necessary before they can be lawfully detained in an asylum. He has also a concurrent jurisdiction with the Sheriff of Chancery in trying the claims of heirs to the property left by their deceased ancestors.

The Sheriff is also the local judge in bankruptcy. Whether the sequestration be awarded by him or not (and he has the power to award it), all bankrupt estates are wound up under his superintendence, subject to a right of appeal to the Supreme Court.

Finally, he continues to be the Crown officer for the county who superintends the election of members to the House of Commons, and the citation of accused persons, as well as of jurymen to the Court of Justiciary. He also attends to the due publication of Royal proclamations, and the collection of fines and forfeitures to the Crown; and he puts in force all warrants from the Crown and High Court of Justiciary. He further makes up the register of voters for the election of members of Parliament.

III. Form of Process in Sheriff Courts.

Our information respecting the form of process in the mediæval Sheriff's Criminal Court is very meagre. These forms must of necessity have been very simple when the procedure was so summary; and it is not easy to see how a Sheriff could comply with the injunctions given him, to use the utmost despatch in trying criminals, and at the same time secure a proper assize for the trial. By the Act of 27 March 1432, the Sheriff was ordered, so soon as he was certified of a murder, to pursue and apprehend the criminal, "and if he be taken, to put him in sicker fastness until the law be done upon him, and that shall be within forty days at the farthest; and be it red-hand, it shall be done within that time." But every accused person was entitled to be tried by an assize of his peers, and it seems difficult to see how the Sheriff could secure the jury within the limited time thus allowed him. At a later date the form of conducting criminal trials appears to have varied in different counties, each Sheriff following his own course.

The information which we have respecting the form of process in civil cases is more detailed. In these Courts, actions, before the institution of the Court of Session, usually originated in brieves from Chancery. These writs were obtained by the party complainer, and were directed to the Sheriff who was to try the question at issue. They were of set form, and by Act of date 28 April 1491, the clerks of Chancery were prohibited from altering the style of the writ. The

following is a brieve issued in the reign of Alexander II. for trying a question between the burgesses of Peebles and a neighbouring landowner who disputed their right to put peats in an alleged common. It has been preserved by Mr. Cosmo Innes, and is prefixed to the first volume of Thomson's Collection of the Acts of Parliament[1]:—"Alexander Dei gratia Rex Scotorum. Eymero de Mackisnnell dilecto et fideli suo vicecomiti et ballivis suis de Pebblys salutem. Mandamus vobis firmiter precipientis quatenus per probos fideles liberos et legales, hommes patrie diligenter et fideliter inquiri faciates si Robertus Cruik deforciet burgensibus nostris de Pebblys petariam nostram de Waltamshope ab boni memorie domino regi A. patre nostro ut decunt et postmodum a nobis sibi concessam et si idem R. Cruik terram nostram et communem pasturam dictorum burgensium nostrorum, arraverit vel aliquo alio modo injuste occupaverit et dictam inquisitionem diligenter et fideliter factam sub sigillo vestro una cum sigillis aliquorum qui dicte inquisitione intererunt faciende nobis quamcicius poteretis mitti faciatis et hoc breve teste me ipso apud Lanark VII. die Octobres anno regni nostri VIII."

The procedure under these brieves was as follows:—The pursuer having procured his writ, presented it to the Sheriff, who thereupon issued a summons in which the defendant was ordered to appear within fifteen days after service. The summons set forth the name and office of the summoning officer, the name of the defender as well as that of the pursuer, the matter at issue, the day and place of compearance, and the

[1] *Scots Acts of Parliament*, vol. i. p. 100.

name of the judge before whom the case was to be tried. If the defender failed to appear at the time mentioned, a second citation was given him to the like effect; and if he neglected the second summons, judgment was pronounced against him in his absence. If the defender appeared, he was allowed time to state his defences; and if the claim was found relevant, the case was remitted to an assize, to the number of twelve at the least. At the trial both parties were permitted to have counsel, or forespeakers as they were called, and the assize or jury deliberated upon the sentence, and gave their verdict in the absence of the Sheriff.

The verdict was returned to Chancery, appended to the brieve, and it formed the warrant for the final evidence or judgment.

The following is the verdict which was pronounced upon the brieve quoted above :—

"Apud Pebblys die Sancti Leonardi anni gratie millesimi ducentesimi sexagesimi secundi Archebaldus de Hopkelioc, Alexander de Wynkistun, Ricardus Fermarium, Clemens de Hopkelioc, Rogerus Le Kedistun, Michael de Kedistun, Rogerus Ortolanus, Archebaldus de Hundwaluchishope, Adam de Stobhai, Thomas Faber, Ricardus filius Godardi, Gauri Pluchan, Willelmus Pastor, Walterus Pastor Johannes Modi, Robertus Gladhoc, Cokinus Faber, Adam Hacsmall, jurati dixerunt quod burgenses de Pebblys foderunt petas suas in petaria de Waltamshope et quod Robertus Croke dictas petas violavit secuit et fregit et petas ducere impedivit et quod unum equum cepit cum brueria et precium equi quod est quatuor solidi

et precium bruerie quod est unus denarius detinet adhuc tanquam suam escætam dicens quod est sua escæta eo quod dictam brueriam in communa sua eradicarunt dicti autem burgenses precium dicti equi et bruerie cum servitientibus domini regis et baroniis pecierunt ad vadium et ad plegium quod non potuerunt habere quia dixit quod sit sua escæta dicti autem jurati dixerunt quod dictus Robertus Cruke edificavit aulam suam ubi homines domini regis solebant communare. Idem Robertus aravit super communam de Peblis ut dicti jurati dixerunt."

There was from the earliest date a right of appeal from the decisions of the Sheriff to a higher tribunal; but the appellant jurisdiction as well as the extent of the right have varied at different times. The earliest appeals seem to have been made to the king in person. There are traditions of such appeals having been heard by David I. on the spur of the moment so soon as they were presented to him; but, of course, there are no records of such cases. By an Act of James I., passed in 1434,[1] it was enacted that all actions and complaints should be brought before the ordinary judges; but it was added, that "if the judge refuse to do the law evenly, the party complaining shall have recourse to the king, who shall see rigorously punished sic judges, that it shall be an example to all others." Such applications, however, were not of the nature of appeals so much as complaints against the judge for misconduct. But in the year 1445 a Committee of Parliament, composed of the Chancellor and certain discreet persons of the three Estates, was by Act, cap. 65,

[1] *Scots Acts of Parliament*, vol. ii. p. 60.

appointed to dispose of all and sundry complaints and quarrels; they were appointed to meet for that purpose thrice in the year. It appears to have been intended that the Court or Committee thus constituted should have been one, not of appeal only, but also of original jurisdiction. And in the year 1457, in the reign of James II., an Act was passed (cap. 61), by which, after providing temporarily for the disposal of actions of spulzie, parties were authorized to carry their claims before either the Court of the Lords of Council or before the ordinary judges. But by a later Act of James III., passed in 1469 (cap. 2),[1] all plaintiffs were ordained to go to the judges ordinary for redress in the first instance, and it was only if these judges failed to take up the case or acted with partiality that the parties were allowed to complain to the king and his Council. In actions, however, where the judge was personally interested, the plaintiff was authorised to go direct to the king. By another Act, passed in 1471, an appeal to Parliament is assumed to be competent. By another Act of the year 1487, cap. 10, the regulations made by the former statutes were confirmed and renewed, but with the proviso that the Act was not to be construed so as to prevent appeals to Parliament under the process of "falsing of dooms."

By an Act of the reign of James IV., of date 1503, cap. 95, it is provided that appeals from the Baron's Courts should be to the Sheriff, from the Sheriff's Courts to the Justiciar, and from the Justiciar to the king and Council. But it does not appear that that Act was strictly observed.

[1] *Scots Acts of Parliament*, vol. ii. p. 177.

It therefore appears from these Acts, and more especially from the later ones, that it was the desire of Parliament to prevent all complaints and actions from being brought to the king or his Council in the first instance, excepting in those cases where the judge either failed in his duty, or where he was personally interested in the suit. But although that seems to have been the wish of Parliament, the records of the proceedings of the Lords Auditors as well as of those of the Lords of Council, show that they acted as courts of original jurisdiction as well as of courts of appeal, and that in the latter capacity they reviewed the decisions of Sheriffs, and reversed them when necessary.

From the earliest times, however, there was an appeal to the king or to Parliament from the Sheriff's judgments even when pronounced in ordinary course and with due regularity, by means of the process called the process of falsing of doom.

If a party to an action, whether pursuer or defender, meant to appeal under that process, he required to give notice of his intention at the time the decision was pronounced, or within fifteen days thereafter. He had also to give pledge or find security that he would implement the decision to be pronounced in the court of appeal. On complying with these requisites the appeal was allowed, and the action was sisted until it was heard.

These appeals could only have taken place in civil actions. In criminal cases the procedure was too summary to permit such procedure.

After the appeal was heard in the superior court,

the form of the judgment confirming or reversing the sentence of the Sheriff was peculiar, and two examples may be given. They explain the procedure at the hearing of the case. The first is the sentence of confirmation :—

"In the Parliament begun at Edinburgh, 30 November 1469, presente Domine Rege cum tribus statibus regni in dicto parl^to^ congregatis sententiæ et judicia subscripta data et promulgata fuerunt per os David Demptser de Caraldstoun judicatore dicti parl^ti^ in forma que sequitur. This Court of Parliament shewes for law and I gif for dome that the dome given in ye Sheriff Court of Dumfries before David Grahame of Thornehuke, Sheriff in yat part, be ye mouth of Nichole Thomson dempstar and soytour of the said Court for Robert Charteris of Aymisfelde, and against Walter Porter and Elizabeth of Douglas his moder, and again callit be Maister Adam of Cockburn, forespeker to the said Walter, ye 24 day of ye monetht of Julii ye yer of our Lord 1467, was weile given and evil again callit, and ye said Walter and Elizabeth in amerciament for ilk soytour of ye said Sherif Court, yat gave voice to ye dome and in amerciament of ye Justice Ayr sic as effeirs of law, and yat I gif for dome."[1]

The other is the sentence of reversal :—

"In the Parliament begun at Edinburgh, 4 October 1476. The Lords chosen, etc., upon the discussyng of ye doings deliveris and declaris that ye dome given in ye Justice Ayer of Edinburgh, ye 12 day of Julii last bypast be the mouth of Andrew Blackfurd

[1] *Scots Acts of Parliament*, vol. ii. p. 94.

soytour for the lands of Lochorwirt for John of Douglas and Janet of Rynd his spouse, and again callit by David Balfour of Carradstom forespekers for Arch[d] of Dundas of yat ilk, knycht, was evil given and weile again said for diverse reasons, understandin and schewin to ye said Lords. And yarfor *ilk soytour* of ye said dome and yar Lordes ilk man be himself is in an amerciament of ye Court of Parliament sic as effeirs to be taken in ye said Justice Ayer, and in ane unlaw of ye said ayer for yaem and in unlaw of ye said Parliament among yaem all sic as effeirs of law, and yat I gif for dome." [1]

When a doom or verdict of a jury was reversed in real actions, it is doubtful whether the court of appeal pronounced sentence in favour of the appellant. It rather appears that it did not, but sent the case back to the Sheriff for a new trial.

After the institution of the Court of Session, the right of appeal to Parliament directly was abolished. The appeal was only competent to the new court, in the first instance at least, and that was taken by a petition technically called a Bill of Advocation or of Suspension. These continued in the same style until recently, when they were shortened by Act of Parliament, and the Bill or note of Advocation is now entirely abolished.

Following the old practice of giving pledges, appellants in advocations had to find security for costs, and in suspensions for both costs and the sums decerned for in the inferior court. Security for costs in ordinary appeals is now dispensed with.

[1] *Scots Acts of Parliament*, vol. ii. p. 114.

THE SHERIFFDOM OF CLACKMANNAN.

The precise date at which the county of Clackmannan was formed into a separate sheriffdom appears to be uncertain.

The greater part of the present county seems to have been in early times the property of the Crown, and the whole district to have been attached to the county of Stirling. It is stated in the Exchequer Rolls[1] that in the year 1263, during the reign of Alexander III., the Sheriff of Stirling collected certain Crown rents from lands at Menstrie and Sauchie, which now form portions of the county of Clackmannan, and paid them to Gillespie Campbell, an ancestor of the present Duke of Argyll; and while there is a full list of Sheriffs given in a subsequent roll of the year 1266, there is no mention in it of a Sheriff of Clackmannan, although the names of the Sheriffs of the adjoining counties of Stirling, Fife and Kinross are all mentioned. Further, in the year 1304, Edward I. of England on his conquest of Scotland appointed Sir William Bisset, who was Sheriff of Stirling, as Sheriff of Clackmannan also.

In the following year, however, Sir Malcolm of

[1] *Exchequer Rolls of Scotland*, vol. i. p. 29.

Inverpefer was named Sheriff of Clackmannan in the Ordinance issued by Edward for the government of Scotland; and although Sir Malcolm was very soon removed, the county appears to have remained a separate sheriffdom since that time, with the exception of a short period during the protectorate of Oliver Cromwell. Henry of Anand was Sheriff during the interval between 1305 and the accession of Robert Bruce, but it is impossible now to say for what time. A Sheriff of Clackmannan is entered in the Exchequer Rolls[1] of the year 1329 as having rendered his accounts that year, but his name is not given.

The district thus formed into a separate sheriffdom is the smallest county in Scotland. It is about ten miles long by eight miles broad, has an area of about forty-seven square miles, and lies between the river Forth and the Ochils, with the county of Stirling on the west and a detached portion of Perthshire on the east. Its present population is about 26,000 or 27,000, but it must have been very thinly populated at its erection into a sheriffdom. The principal towns or hamlets at that time were Clackmannan, the property of the Crown; Tullibody, belonging to the Abbey of Cambuskenneth; Menstrie, Tillicoultry, and Dollar, the latter of which was the property of the Abbey of Dunfermline. The sheriffdom contains four entire parishes, and portions of other two. It appears to have remained of the same size from its erection to the present time, because although three parishes were added to it in 1832 for political purposes, the Sheriff has no civil or criminal jurisdiction over these parishes.

[1] *Exchequer Rolls*, vol. i. p. 205.

There were formerly two regalities in it, viz. Alloa and Dollar, the latter of which was included in the regality of Dunfermline, and these further curtailed the Sheriff's territory.

LIST OF SHERIFFS FROM 1306.

Sir John Stirling.

After the accession of Robert Bruce, the office of Sheriff was conferred upon Sir John Stirling of Kars (or Kerse) and Alva, both in Stirlingshire, as a heritable right. Sir John was a son of John de Stirling of Ochiltree, and grandson of Sir Alexander Stirling of Cawdor. He died about the year 1347 or 1348, leaving an only daughter named Marjory, who married

Sir John Menteith,

a younger son of Sir John Menteith of Rusky, second son of Walter Earl of Menteith, and the alleged betrayer of Sir William Wallace. Sir John Menteith acquired in right of his wife the baronies of West Kerse and Alva, as well as the heritable Sheriffship of Clackmannan. David II., by a charter dated 25 January 1357,[1] confirmed these rights, and of new granted the office of Sheriff to Sir John Menteith, who had been acting as Sheriff for ten years previously, and Marjory de Stirling his wife. The office was thus vested in the family of Menteith, and it remained in that family for nearly three hundred years.

[1] Robertson's *Index of Missing Charters*, p. 30.

As already stated, Sir John Menteith acted as Sheriff immediately after the death of his father-in-law, as his name appears in the Exchequer Rolls[1] of date 23 March 1358–59 as the Sheriff of Clackmannan, who had collected the royal revenue of the shire for the eleven years previous to that time; and he accounted for his intromissions during that period. No reason is assigned for the accounting being so long delayed, but it probably arose from the disturbed state of the country at the time.

Sir John's name appears in these Rolls[2] ten years afterwards as still acting in the same capacity.

William de Menteith.

In 1382, on the death of Sir John Menteith,[3] his widow resigned her estates and the office of Sheriff of Clackmannan in favour of her eldest son William de Menteith, and the latter obtained a charter from Robert II. in his favour. William is there described as son and heir of Marjory of Stirling, daughter and heiress of the late John of Stirling, Knight,—from which it would appear that his right to the office was held to have been derived from his mother rather than from his father; but his father certainly acted as Sheriff in his own right, and the charter of David II. conferred the office upon him. The charter of Robert II. was ratified by Parliament at Scone by an Act passed in the same year.

Sir William Menteith who thus obtained the office

[1] *Exchequer Rolls*, vol. i. p. 270.
[2] *Ibid.* vol. ii. p. 314.
[3] *Vide* Appendix, p. 83.

married a daughter of James Graham, afterwards Marquis of Montrose, by whom he had a son named

John Menteith,

who succeeded him. This must have been some time after 1396, as Sir William was alive in that year.

Sir John Menteith, the son of Sir William, held office during the closing years of the reign of Robert III.

He was succeeded by a son of the same name.

John Menteith,

the son of the preceding Sheriff, held office until about the year 1470, but no particulars have been preserved respecting his official life.

Sir William Menteith.

Sir William Menteith succeeded his father, John Menteith, about the year 1470. He married a daughter of Lord Crichton, Chancellor of Scotland. He inherited the family estates of West Kerse and Alva, as well as the Sheriffship of Clackmannan, but he appears to have conveyed them temporarily to John Schaw, a son of James Schaw of Sauchie. The cause of this conveyance is not explained, but it may possibly have been made by Sir William to save his estates from forfeiture during the insurrection which led to the death of James III., or in consequence of a private affair in which Sir William Menteith was implicated. Sir William's brother Archibald was charged with the murder or assassination of Sir John Bruce of Airth,

and the Sheriff seems to have been involved in the affair. The matter was before the Lords of Council in 1488, when the parties were all bound over to keep the peace. In these proceedings Sir William Menteith was described as the "Laird of Kerse," and as residing at Kerse House, notwithstanding his conveyance of the property to Schaw; but in the following year Schaw appears to have restored the property to Sir William, who obtained a Charter of Confirmation from James IV. of date 25 September 1489.[1] The feud, however, between the houses of Menteith and Bruce of Airth continued, and the Council again interfered in 1490. They were, however, apparently unable to bring the alleged offenders to justice, and had to content themselves with ordering Archibald Menteith and his friends "to appear at the Market Cross of Edinburgh in linen clothes with naked swords in their hands, and there ask forgiveness of Robert Bruce," the son of the deceased, for the slaughter of his father, and afterwards to provide a year's masses for the repose of his soul.[2] On that being done, the Council ordered Bruce to accept their apology, and both parties to live on friendship afterwards. A copy of the Council's Order will be found in the Appendix.

William Menteith.

This Sir William was succeeded by a son,[3] also named William Menteith, who married Agnes, daughter of Alexander Lord Erskine, an ancestor of the present

[1] *Vide* Appendix, p. 92.
[2] *Ibid.* p. 93.
[3] *Register of Great Seal*, vol. iii. p. 657.

Earls of Mar, and in October 1542 he obtained from James V. a new charter incorporating the estates of West Kerse, Ochiltree, and Alva, together with the office of Sheriff of Clackmannan,[1] into one barony,—thus showing how completely the office of a Sheriff had come to be looked upon as a patrimonial right. Having then no sons, the succession of the barony was taken to his paternal uncle Sir Robert Menteith, and a long enumeration of heirs, subject to the payment of £1000 to each of Sir William's three daughters as dowry.

Sir Robert Menteith.

Sir Robert Menteith succeeded to the barony under this deed ;[2] and in 1552 his son John Menteith obtained a grant of the lands and Sheriffship from Queen Mary upon a deed of resignation by his father in his favour. The deed of grant referred to the incorporation of the whole subjects into one barony by the previous charter of James V.

John Menteith.

After John Menteith took up the property, he in July 1565 obtained from the Crown another charter[3] in his own favour for his lifetime, and in favour of his son William Menteith in fee.

It does not appear how long John Menteith enjoyed his liferent, but he must have died before 1590, because his son was in that year in possession of the estates and the office of Sheriff of this county.

[1] *Vide* Appendix, p. 93.
[2] *Register of Great Seal*, vol. iii. p. 637.
[3] *Vide* Appendix, p. 96.

William Menteith.

William Menteith, who succeeded to the Sheriffship under the charter mentioned above, held office in 1592, and obtained from Parliament authority to erect a jail and court-house in Clackmannan. He died about the year 1631.

William Menteith.

On his death his son of the same name obtained himself served heir to him in 1631, and immediately sold the estate of Kerse to Sir William Livingston of Kilsyth.[1] The family of Menteith became extinct shortly afterwards.

Sir William Livingston.

The charter in favour of Sir William Livingston is dated 31 July 1631, and it proceeded upon a resignation by Sir William Menteith, with consent of Isabella Hamilton his wife and Claud Monteith their eldest son. It included the barony of West Kers, with the offices of Sheriff of Clackmannan and Forester of the forest thereof;[2] and Sir William Livingston was duly infeft upon it on 19th August of the same year.

Sir Thomas Hope.

Sir William Livingston, however, did not hold the barony and office of Sheriff many years, but in 1638, only seven years after he had acquired them, he sold them

[1] Register of Services. [2] *General Register of Sasines*, vol. xxxii.

to Sir Thomas Hope of Wester Granton. The charter in favour of Sir Thomas Hope is dated at Stirling, 5 March 1638, and conveys the estate and offices to Sir Thomas Hope and Helen Rae his spouse in liferent, and Thomas Hope his eldest son and his heirs in fee. Sir Thomas Hope was infeft on 5 September 1638.[1] This Sir Thomas Hope was the second son of Sir Thomas Hope of Craighall, an eminent lawyer and statesman of the time of Charles I. He was born on 6 August 1606, was called to the Bar 17 July 1631, and was knighted in July 1633. He sat in Parliament as Commissioner for Clackmannanshire in 1639, 1640, and 1641, being then Sheriff of the county.[2] He was also speaker for the barons and freeholders. In 1640 he was appointed colonel of the troop of horse raised by the College of Justice to attend General Leslie when he marched into England at the head of the Scots Army. He was appointed a Lord of Session, and also made Lord Justice-General in 1641. He died at Edinburgh two years afterwards, on 23 August 1643, in the 37th year of his age. He was the author of two treatises on law, viz. *Law Repertorie* and *Commentarius in libros digestorium nempi* xviii. *ad* xxiv. *et in alios nonnullos juris civillis libros.* He left two sons, viz. Thomas and Alexander Hope.

Thomas Hope.

Thomas Hope, the elder son of Sir Thomas, was a youth when he succeeded to the barony of Kers and

[1] *General Register of Sasines*, vol. xlviii.
[2] *The Scottish Nation*, vol. ii. p. 489.

the office of Sheriff. He does not appear to have acted as Sheriff in person, as he was too young; but two years after his father's death he, and his mother as his guardian, petitioned Parliament for repayment of expenses disbursed by his father in the service of the public, which was granted. In the year 1646, Thomas Rollock is stated in the Acts of Parliament (vol. vi. part 1, p. 500) to have been acting as Sheriff-Depute.

The Ordinance passed in 1654, during Cromwell's Protectorate, abolished all heritable jurisdictions, including heritable Sheriffships, and the family of Hope must in consequence have been deprived of the office. Clackmannan appears about that time to have been annexed to Stirling, as it was joined with it and Linlithgow in the election of a member to Cromwell's Parliament; and a few years previously, in 1649, an Act of Parliament[1] was passed disjoining it from Clackmannan so far as regarded taxation.

Sir Alexander Hope.

At the Restoration all the laws and ordinances passed during the Protectorate were cancelled, and Clackmannanshire was restored to its former position as a separate sheriffdom. Sir Alexander Hope had succeeded his brother in the estate of Kerse, and he also acted as Sheriff of Clackmannan. In July 1662, two years after the Restoration, he rendered an account to Exchequer of the Sheriff's receipts and expenses during the period from July 1638, when his father acquired right to the office,[2] to 1 July 1651, when the right seems to

[1] *Scots Acts*, vol. ii. part 2, p. 492. [2] *Exchequer Rolls*, No. 658.

have then ceased. Two years afterwards, viz. on 3 November 1664,[1] a second account was rendered at Edinburgh by Thomas Mitchell of Condone as his depute for the period from Whitsunday 1662, when Sir Alexander resumed office after the Restoration, to 5 July 1664. He must therefore have acted as Sheriff during that period.

On 20 July 1666 he resigned the offices of Sheriff and Forester of Clackmannan into the hands of the Crown.

Sir Henry Bruce.

Following upon that resignation the office of heritable Sheriff was conferred by Charles II. upon Henry Bruce of Clackmannan by charter.[2] That charter was ratified and confirmed by Act of Parliament on 19 October 1669.[3]

Sir Henry Bruce thus appointed Sheriff was a descendant of Robert de Bruce to whom King David II. made a grant of the castle and barony of Clackmannan in the year 1358, and he was knighted by Charles II. the same year in which he obtained the appointment of Sheriff.

Sir Henry Bruce had married Mary, daughter of Sir Alexander Schaw of Sauchie, by whom he had three sons. He held office till 1674, when he died.

David Bruce.

Sir Henry Bruce was succeeded by his eldest son, David Bruce, who was served heir to him on 14 April

[1] *Exchequer Rolls*, No. 665. [2] *Register of Great Seal*, lib. 61, No. 347.
[3] *Vide* Appendix, p. 98.

1674. Sir Henry left his affairs in great disorder, and his son and heir was ultimately made bankrupt in consequence of the debts which he inherited from his father. Before that happened, however, David Bruce had been appointed commissioner or member of Parliament for the county, as well as being its Sheriff. He acted as member of Parliament during the remainder of the reign of Charles II. as well as during the short reign of James VII.; but having espoused the cause of James, and refused to take the oaths to the new government, he was by Act of Parliament of 28 April 1693 removed from Parliament, and his place there was declared vacant. About the same time he granted a trust-deed for behoof of his creditors, and was thus divested of his estates, including the heritable right of Sheriff of the county, and in consequence of this it became necessary that an interim arrangement should be made for the administration of justice in the county. This was effected in 1698 by the appointment of Mr. Robert Stewart as after mentioned; but Mr. Bruce, who continued to reside at Clackmannan, was compelled in 1704 to petition Parliament for a personal protection from imprisonment for debt by his creditors. In that application he imputed his state of insolvency to the liabilities which he had incurred by serving himself heir to his father, and by subsequent expenditure in working the coal mines at Clackmannan and Sauchie. He obtained the protection from arrest which he asked, but the estate of Clackmannan was a few years afterwards sold for behoof of his creditors.

Robert Stewart.

After Mr. Bruce had been deprived of the office of Sheriff, an interim appointment was made by the Crown, and a commission was granted in 1698 in favour of Mr. Robert Stewart, advocate, one of the Commissaries of Edinburgh, and a son of Sir Robert Stewart of Tillicoultry, then a judge in the Court of Session, by which Mr. Stewart was appointed Sheriff of the county during pleasure.[1] The only reason assigned for that appointment was that the office was vacant. Mr. Stewart held a court on 30 September 1698 at which he produced his commission, but it is obvious that he considered his appointment to be a temporary and provisional one, because he transacted no judicial business. He, however, admitted some procurators and sheriff-officers, swore in Mr. William Morrison, writer, Clackmannan, Sheriff-Clerk, and having thus put the court into working order he left. He did not sit again. At a court held on 9 November thereafter, Mr. Morrison the Sheriff-Clerk produced a commission from Mr. Stewart appointing him Sheriff-Depute, and under that commission Mr. Morrison conducted the business of the court till, at least, July 1700.

Colonel William Dalrymple.

Another interval then elapsed, during which, in consequence of a blank in the existing records of Court, it is now impossible to ascertain precisely how the judicial business of the county was conducted during the twelve

[1] *Vide* Appendix, p. 105.

years from 1700 to 1712; but on 29 July 1712, Colonel William Dalrymple of Glenmuir appeared in court and took his seat as heritable Sheriff. Colonel Dalrymple acquired the office by the purchase of it and the estate of Clackmannan at a judicial sale by the creditors of Mr. Bruce. The charter is dated in 1708, and is in favour of Colonel Dalrymple and Mr. Alexander Inglis.[1] It is not explained in the charter why Mr. Inglis' name was inserted in it as joint-owner, but Colonel Dalrymple appears to have been considered as the real holder of the office, as Mr. Inglis never appeared in court, and only acted as consenter to Colonel Dalrymple's proceedings.

Colonel Dalrymple was the second surviving son of John, first Earl of Stair. He was an officer in the Foot Guards, with the rank of colonel in the army. He was also member for the county of Ayr in the last Parliament of Scotland, in which he supported the Treaty of Union. He was one of the members of the first Parliament of Great Britain nominated in February 1707, was chosen for the county of Clackmannan at the general election of 1708, and sat for that county for two years. He was subsequently member for the burghs of Stranraer, etc., in 1722, was re-elected for the same burghs and also for the county of Wigtown in 1725, and took his seat for the burgh and gave up the county to his son. He was again chosen for Wigtownshire in 1734. He married on 20 February 1698 his cousin-german, Penelope, Countess of Dumfries, and by her, who died at Clackmannan 1 March 1742, he had a son who subsequently became Earl of Dumfries and Stair.

Although, as before mentioned, Colonel Dalrymple's

[1] *Vide* Appendix, p. 108.

charter is dated in 1708,[1] he did not take his seat as Sheriff of the county till July 1712, and he immediately appointed Mr. William Muirhead, town clerk, Culross, as his depute. He sat occasionally afterwards, but allowed the business of the Court to be principally conducted by deputes. These were, first, Mr. Muirhead; second, Mr. James Dalrymple, advocate, a son of the Sheriff; and third, Mr. James Bruce.

Earl of Dumfries.

Colonel Dalrymple died in November 1742, and was succeeded by his son the Earl of Dumfries, who was the last heritable Sheriff of the county. The Earl's tenure of office was of short duration, as the Heritable Jurisdictions Abolition Act, passed in 1748 (20 Geo. II. cap. 43), abolished all heritable jurisdictions as well as the office of Sheriff-Principal, and vested the latter office in the Crown. Before that Act was passed, however, Lord Dumfries had completed his title, which he did in 1747, and had appointed Mr. Robert Bruce of Kennet as his depute, who again appointed Mr. Rollo, Sheriff-Clerk, as his substitute. The Earl never officiated as Sheriff in person.

The composition paid to him for his loss of office was £2000.

David Walker.

When the heritable Sheriffships were abolished, the counties of Stirling and Clackmannan were placed under one Sheriff-Depute,[2] and Mr. David Walker, advocate, was appointed to the office. He presented

[1] *Vide* Appendix, p. 111.

[2] *Ibid.* p. 111.

his commission and took his seat as Sheriff of Clackmannan on 18 March 1748. His commission bears that he was to hold office during pleasure, and that his salary was to be £150 per annum.

Mr. Walker held office till March 1761, when he resigned. He was succeeded by

Robert Bruce of Kennet.[1]

Mr. Bruce was the son of Mr. Alexander Bruce of Kennet by Mary Balfour, second daughter of Robert, fourth Lord Burleigh. He passed as advocate on 15 January 1743, and at the time of his appointment as Sheriff he held the situation of Professor of the Law of Nature and Nations in the University of Edinburgh, having been appointed professor on the resignation of Mr. George Abercromby, advocate, in 1759. He continued as Sheriff of the combined counties for three years, but resigned in 1764, having been that year raised to the bench of the Court of Session upon the death of William Grant of Prestongrange. He took his seat as Lord Kennet on 4 July 1764. He died at Kennet on 8 April 1785.

George Cokburn.

Mr. Bruce was succeeded by Mr. George Cokburn, advocate, whose commission is dated in June 1764.[2] He held the office for six years, when he adopted the surname of Haldane, and resigned in March 1770.

[1] *Vide* Appendix, p. 113.

[2] *Ibid.* p. 114.

Alexander Abercromby.

Mr. Haldane was succeeded in March 1770 by Mr. Alexander Abercromby, advocate.[1] Mr. Abercromby was the fourth son of George Abercromby, Esquire, of Tullibody. He was born 15 October 1745, educated for the Bar at the University of Edinburgh, and admitted advocate, 16 December 1766. Having been appointed Sheriff-Depute of Stirling and Clackmannan in 1770, he remained in that office till June 1780, when he resigned on being appointed one of the Depute Advocates. On the death of Alexander Gordon of Rockville, he was promoted to the Bench of the Court of Session, and took his seat on 7 June 1792. He was appointed a Lord of Justiciary the same year. He died in November 1795 of a cold caught while attending the North Circuit in the spring of that year.

John Pringle.

On Mr. Abercromby's resignation, Mr. John Pringle was, on 24 June 1780, appointed Sheriff of the two counties. He held office for about ten years, and on his resignation the office was bestowed upon

William Tait,

advocate, who was appointed in May 1790, and held office till 1797.

David Williamson.

Mr. Tait was succeeded by Mr. David Williamson, advocate. Mr. Williamson passed as an advocate in

[1] *Vide* Appendix, p. 116.

August 1783. He was appointed Sheriff of Stirling and Clackmannan in 1797, and took his seat at Clackmannan on 18 April of that year. He acted as Sheriff of the two counties for ten years, but in 1807 it was decided to make a change in the constitution of the sheriffdom. The county of Stirling was created into a separate sheriffdom. The county of Kinross was disjoined from Fife, to which it had formerly been annexed, and the two counties of Clackmannan and Kinross were combined into one sheriffdom under charge of a separate Sheriff-Depute. After that change had been made, Mr. Williamson resigned his former appointment and was reappointed Sheriff-Depute of Stirling solely. Mr. Williamson subsequently adopted the surname of Robertson Ewart on his succeeding to the estate of Balgray, and on 20 November 1811 he was created a Lord of Session under the title of Lord Balgray.

James Moncreiff.

Mr. James Moncreiff, advocate, was appointed Sheriff-Depute of the new sheriffdom of Clackmannan and Kinross. He was the second son of the Rev. Sir Henry Moncreiff of Wellwood, Baronet. He passed as advocate in January 1799, and was therefore only an advocate of seven years' standing when he was made Sheriff. He held office as Sheriff for twenty-two years, but on the death of Lord Alloway he was made a judge of the Court of Session, and took his seat there under the title of Lord Moncreiff. When Sheriff of the combined counties, he succeeded his father Sir Henry in the baronetcy and in the family estate of Wellwood

in the county of Kinross on the death of the latter in 1827, and he was subsequently well known in connection with the Free Church movement of which he was one of the leaders. He was celebrated, when practising at the Bar, as an able and successful counsel, whose opinion was always received with great respect. He was the father of the present Lord Moncreiff. He continued a judge in the Courts of Session and Justiciary till 1851, when he died at the age of seventy-five.

John Tait.

Mr. Moncreiff's successor was Mr. John Tait, advocate, the eldest son of Mr. Crawford Tait, W.S., Edinburgh, proprietor of the estate of Harviestoun. He passed advocate in 1819, and was appointed Sheriff in consequence of his intimate connection with the county. He presented his commission in January 1830, and for the long period of thirty-six years he filled the position of Sheriff, earning the respect and affection of all parties in the county. Although not a brilliant lawyer, his judgments were always sound, and in other respects he was a model of a county Magistrate.

During the time he held office several changes were made in the manner in which business was conducted. The Court was at first held in a small room in a building, now demolished, in the old town of Alloa, connected with the lock-up there. That place being deemed unsuitable, the court-house was removed to the Assembly Rooms in Bedford Place, in which it occupied, in common with the public, an apartment

devoted to meetings of all kinds. From thence, on the erection of a county prison, the Court was removed to a room in that building, and at length, when the Commissioners of Supply decided upon erecting a county hall and offices for the county officials, the Court was provided with a spacious apartment in the new buildings. This took place on 8 December 1865, and it was deemed a fitting occasion to give a public dinner to Mr. Tait in appreciation of his services as Sheriff. His portrait was also placed in the new court-house.

The sheriffdom was also altered during Mr. Tait's tenure of office.

The Act of Parliament which was passed in 1853 provided, that on the occasion of a vacancy in the office of Sheriff of Linlithgow, that county should be united to the counties of Clackmannan and Kinross, and formed into one sheriffdom. Mr. John Cay, the Sheriff of Linlithgow, died a few years afterwards, and on that occurrence Mr. Tait became the Sheriff of the united counties.

In 1866, Mr. Tait was invited to accept the Sheriffship of Perth; and having done so, he in that year ceased his judicial connection with the county of Clackmannan, to the great regret of all the inhabitants of the shire. He died on 2 August 1877, and was buried in the private mausoleum of the Tait family near Dollar.

George Monro.

Mr. Tait was succeeded by Mr. George Monro, advocate, who was admitted as a member of the Bar in 1827.

His commission as Sheriff is dated 21 July 1866, and he was under the Act of Parliament above mentioned placed in charge of the three counties. He was a sound lawyer, and the author of a treatise upon the Public Health Act of 1868, in the framing of which Act it is understood he took a leading part. He never resided in the shire like Mr. Tait; and having three counties under his care, he was unable to attain so intimate an acquaintance with its inhabitants as his predecessor. In fact, from the changes which have been recently made on the office, the Sheriff-Principal has now almost ceased to be a county magistrate, and is little more than an appeal judge.

Mr. Monro held office for fifteen years, and resigned in 1881. He died shortly afterwards.

William Ellis Gloag.

On Mr. Monro's resignation another change was made on the sheriffdom.

Under an Act of Parliament of 1870 (33 and 34 Vict. cap. 86), it was declared that on the first vacancy Clackmannan should be disjoined from Linlithgow and Kinross, and annexed to Stirling and Dumbarton; and when Mr. Monro resigned, Mr. W. E. Gloag was Sheriff of the two latter counties. He thus became Sheriff of Clackmannan without any new appointment, and took his seat as Sheriff on 5 September 1881.

Mr. Gloag, who passed as an advocate in 1853, is a son of the late Mr. William Gloag of Greenhill, a banker in Perth. He was formerly an Advocate-Depute,

and had a large practice as counsel. He held office as Sheriff of the combined counties till 1885, when, like his predecessor, Mr. Tait, he was appointed Sheriff of Perth, and in 1889 was appointed one of the Senators of the College of Justice in room of Lord Mure, resigned. He took his seat under the title of Lord Kincairney.

James Muirhead.

Mr. Gloag was succeeded by Mr. James Muirhead, Sheriff of Chancery, which office he resigned on his appointment to the sheriffdom. Mr. Muirhead was a son of the late Claud Muirhead, Esq., of Edinburgh, and was a native of that city. He was called to the English Bar in 1857, and was admitted a member of the Faculty of Advocates in the same year. In 1862 he was appointed Professor of Civil Law in the University of Edinburgh, served for a short time as Advocate-Depute, and was appointed Sheriff of Chancery in room of the present Lord M'Laren. He was the author of two learned works on Roman Law, and enjoyed a Continental reputation for his knowledge of that system. He died in 1889, after a few months' illness.

Alexander Blair.

Mr. Muirhead has been succeeded by Mr. Alexander Blair, Sheriff of Chancery. Mr. Blair was called to the Bar in 1860, and was thus an advocate of twenty-nine years' standing on his appointment to the office of Sheriff of the county.

The following is a list of the Sheriffs-Substitute and Sheriff-Clerks since 1748:—

Sheriffs-Substitute.

	Date of Appoint.
James Graham of Boquhaple,	1748
John Erskine, Bailie of Alloa,	1757
James Alexander, Writer, Alloa,	1759
Alexander Bryce, Writer, Stirling (Interim),	1764
James Moir, do. do. (Interim),	1775
William Maxwell Morrison, Advocate,	1787
John Bruce, Writer, Kennet,	1789
James Waddell,	1790
Simon Drysdale (Interim),	1791
John Bruce, Tullegarth,	1797
John M'Gibbon, Esq. (Interim),	1802
Archibald Hill Rennie of Ballileask,	1813
William Clark, W.S.,	1832
William Bennet Clark, Advocate,	1852
Tyndall Bruce Johnstone, Advocate,	1876

Sheriff-Clerks.

Robert Rollo,	in office in 1748
John Jameson,	appointed 1765
Robert Jameson,	,, 1824
Andrew Jameson,	,, 1842
John Ewing,	,, 1872
James Wallace,	,, 1879

NOTES ON THE SHERIFF'S PROCEEDINGS,

AND

EXCERPTS FROM THE RECORDS OF COURT.

The records of the Sheriff Courts during the time when the families of Menteith and Bruce held office are not now extant, and the manner in which they performed their duties can only be gathered from some scattered notices respecting them in public documents.

The account, before referred to, which was rendered by Sir John Menteith in 1359, and which is preserved in the Exchequer Rolls, is the earliest of these records.

It is interesting, as showing not only the manner in which the Sheriff performed his duties as Crown receiver, but also the state of the county at the time. An abstract of it will be found in the Appendix.

It appears from that document that the Crown was then possessed of several estates, small crofts, meadows, and orchards in the sheriffdom, as well as of the forest of Clackmannan. The Sheriff's account mentions several farms by the names which they still bear, such as Gartenkier, Grassmainston, and others, and these were then Crown property. It further appears that at the date of the account the town and castle of Clackmannan were in the possession of the Crown, because the Sheriff was constable of Clackmannan,

and the revenue derived from the constabulary or lands attached to the castle was considerable. In 1331 there were received from that source 42 chalders and 5 bolls of victual. The king had also gardens at Clackmannan, and occasionally visited at the castle. But the rents received by the Sheriff were very small, as the larger rents were bestowed by the king on Court favourites in gift. Thus it is said that only 18s. had been received from the lands of Gatyshend, because they had been in the hands of Robert de Bruce by gift from the king. A similar reason is given for not accounting for the grazing of the meadow. It was in the same hands. The rents of Alloway were also in the hands of Lord William Bailley by gift, and the rents of Tolygarth were in the hands of Lord John de Danyellyton, and so on. Sir John also said that he had received nothing from the Brewesteresses of Clackmannan, who had been in use to pay 4d. a year for their privileges; nor had he received anything for fines and escheats in the court of the Justiciar,—a statement that seems to have been received with incredulity, as there is a memorandum that this was to be inquired into. The whole of the Sheriff's receipts for these eleven years was only £113, 7s. 3d.

The account also contains the particulars of the Sheriff's disbursements, the principal of which were a payment of £53, 6s. 8d. to Sir Robert Erskine for "munitions" to Stirling Castle; a sum of £17, 3s. for the king's expenses at Stirling; another payment of £6, 15s. 11d. to Sir Robert Erskine, being cash lent by him to the king; and £13, 12s. as the Sheriff's own

fees, and £2, 1s. of fee as constable of Clackmannan. After deducting these and other disbursements, there remained a balance of £5, 9s. 1d., which he paid.

The mill of Clackmannan having fallen into disrepair was rebuilt by the Sheriff, and he was permitted to retain the rents to reimburse himself.

Sir John Menteith was also appointed to collect the contribution charged upon the shire to meet the ransom which David II. undertook to pay for his release from captivity; but he recovered little.

Another account about 150 years later, viz. on 6 July 1501, shows how the Crown lands had by that time been dissipated by gifts. The rents and feu duties collected at that time only amounted to £8, 6s., and the fines levied by the Sheriff to £10.

The record of the proceedings of the Lords Auditors of causes and complaints contains some entries respecting the Sheriff's proceedings in civil cases.

In 1471 (*temp.* James III.) there is the following entry, from which it would appear that the Sheriff had failed in enforcing a decree against a landed proprietor in the county :—

"The Lords ordain that letters be written to the Sheriff of Clackmannan (Sir William Menteith was then Sheriff), charging him that as of before he execute our Sovereign Lord's letters directed to him of before anent the distraining of John Bruce of Clackmannan for a certain sum of money decerned and ordained to be paid to John Brady and his spouse by the Lords of Council, and because the said Sheriff has disobeyed our Sovereign Lord's letters and charges diverse times in the

said matter, and would not compear now to answer, thereupon, he being lawfully summoned, the Lords ordain him to enter his person in ward in the castle of Blackness within twenty days next to come, and to remain on his own expense until he be freed by the king."[1]

There is no further record respecting this complaint, but it appears from the above order that one John Brady obtained a decree against Bruce of Clackmannan which it was the duty of the Sheriff to enforce by distraint, and that he not only wilfully refused to do so, but set the authority of the Supreme Court at defiance.

There is another entry in 1496, in the following reign, of a Court held by the Sheriff and a jury, in the manner formerly described :—

"Inquest in virtue of precept from King James IV., holden at Kennet by Sir William Menteith, Sheriff of Clackmannan, at the complaint of Agnes Redheugh, spouse of the deceased David Bruce of Kennet, against Gilbert Brady, for troubling her in the peaceable possession of a headrigg of land, the grass of a ward, the grass of a forebank at Kemketland and others, whereupon the said inquest found her entitled to possess the same as she and her said deceased husband had done for fifty years past.—17 May 1496."

We find no other notices of the Sheriff's judicial proceedings until the year 1592, when another Sheriff of the same name presented a petition to Parliament for authority to erect a court-house and jail in Clackmannan. The Act of Parliament which was passed on this application contains so particular an

[1] *Acta Auditorum*, p. 12.

account of the state of the sheriffdom at the time that it may be quoted entire :—

"Act for biggan the Tolbooth of Clackmannan 29 April 1592.—Anent the supplication given in and presented to the Lords of the Articles of this present Parliament by William Menteith of Kerse, making mention that whereas he and his predecessors, Sheriffs of the sheriffdom of Clackmannan, have in all times byegane used and exercised the said office to the inhabitants within the bounds of the jurisdiction thereof dutifully as effeirs, and albeit that in all other sheriffdoms in this realm there are tolbooths appointed and biggit within the head burghs of the same, where courts may be holden, justice administered, and malefactors and transgressors may be kept and warded until justice may be administered upon them according to their demerits, nevertheless there was nae tolbooth within the bounds of the jurisdiction of the said sheriffdom, but the said William and his predecessors have been compelled to hold courts openly at the Market Cross of Clackmannan, which is the head burgh of the said sheriffdom, and to keep in ward the transgressors and malefactors within his dwelling-house outwith the said shire expressly against all guid order and policy, desiring therefore that an Act should be made in this present Parliament ordaining ane tolbooth to be biggit within the said burgh of Clackmannan upon the common high street thereof, by wast the Croce where the same may maist commodiously stand and be best spared, and that a taxation should be gathered of the haill lands of the sheriffdom, which extend to seven score twa pund land of auld extent, vizt. forty shillings

of every pund land thereof, whilk will extend in the haill to the sum of twa hundred fourscore and four punds, and that letters be directed by the Lords of Session of poinding and horning upon a simple charge for inbringing thereof, that justice may be the better administered in time coming as the said supplication at mair length bears, whilk being heard, seen, and considered our Sovereign Lord with advice of his estates of this present Parliament has ordained, like as by the tenor hereof statutes and ordains, that ane tolbooth shall be biggit within the said burgh of Clackmannan upon the common High Street thereof, be wast the Cross where the same may maist commodiously stand and be best spared. Further, our said Sovereign Lord, with advice foresaid, statutes and ordains that a taxation be gathered of the haill lands of the said sheriffdom, which extend to seven score twa pund land of auld extent, videlicit forty shillings of every pund land, which extends in the haill to the sum of twa hundred fourscore and four punds, and that letters be directed by the Lords of Session of poinding or horning upon a simple charge for ingetting thereof." [1]

The building thus erected was used as a court-house and prison until the Court was removed to Alloa.

The records of Court now extant commence by a minute of date 30 September 1698 of Mr. Stewart's proceedings on that day, and they are continued till July 1700, when they end somewhat abruptly. A blank, as has been mentioned, then occurs till July 1712, when Colonel Dalrymple attended as heritable

[1] *Acts of Parliament*, vol. iii. p. 582.

Sheriff, and the Minutes have been continued regularly since that date. The earlier records contain short entries of the Sheriff's whole proceedings, civil as well as criminal. In the civil courts the debts sued for were generally of small amount, but there were numerous services of heirs, and the Michaelmas and Fiars Courts were held regularly. In the criminal courts there were the usual squabbles between the Procurator-fiscal of Court and the Bailies of the different regalities in the shire respecting the Sheriff's right to try inhabitants of the regalities for alleged offences. In trials of other offenders most offences were punished by fine, and the Sheriffs-Depute seem to have considered it to be their especial duty to guard the rights of the owner of the estate of Clackmannan.

A few of Mr. Morrison's decisions in these cases may be given.

"*Clackmannan*, 23 *December* 1698. — The Sheriff-Depute unlaws (fines) the heall inhabitants within the town of Clackmannan and green thereof in five pounds Scots each of them for stealing and resetting of coall contra to several Acts of Court made thereanent, except Mr. William Smith (the parish schoolmaster), Catherine Ramsay, Thomas Whyte, wright; Janet Anderson, relict of Thomas Reid; William M'Gowan, John Mitchell, James Horn, Thomas Cusin, John Duthie, James Lothian, Patrick Drummond, Margaret Blair, John Morise, Isobel Wood, relict of James Wright; Thomas Hall, wright; James Morison, John Demperstoun, David White, Andrew Henderson, younger; William Webster, and Hall, relict of Thomas Hall, maltman, whom the Sheriff-Depute assoilzied in

respect they were content to depone, and the pursuer thereupon passing from them. Whereupon William Paton the pursuer took instruments."

The next decision by Mr. Morrison shows the somewhat lawless character of the people at the time. The Procurator-fiscal was not allowed to prosecute for an offence without disclosing the name of his informer; and as this exposed the informer to the vengeance of the accused afterwards, precautions had to be adopted for securing the informer's safety. The Sheriff had thus not only to punish the guilty, but to protect the injured party against further violence, and he endeavoured to do so in the following manner:—

"*Clackmannan*, 31 *December* 1698.—In the complaint preponed at the instance of the Procurator-fiscal and Christian Hardie, his informer, against Patrick M'Laren, mealmaker in Clackmannan, and Annabel Aitken his spouse, Bessie Robison, spouse to Alexander Aitken, in Green of Clackmannan, and the said Alexander for his interest, the Sheriff-Depute finds the said Bessie Robison and her said husband for his interest guilty of a riot in taking away of the yarn libelled and found in ane chest belonging to Thomas Lawson, in respect of the pursuers their proving of the same to be bought from Isobel Ewing in Clackmannan, and therefore unlaws the said Bessie Robison and her husband for his interest in ten punds Scots money, and ordains the same to be paid within terms of law. And also ordains the said Bessie Robison to beg pardon of the said Christian Hardie of the offence done her in defaming and taking away of her good name; and sic like ordains the said Alexander Aitken and Bessie

Robison his said spouse to find sufficient caution of law burrows, and likewise the said Patrick M'Laren and his said spouse to find sufficient caution of law burrows, acted in the said Sheriff Court books, that the said Christian Hardie shall be kept harmless and skaithless of them and of all others of their sending or hounding, otherwise than by order of law and justice, under the penalty of £100 Scots, and assoilzies the said Patrick M'Laren and his said spouse from the points of the complaint. Whereupon the said Peter Stewart and likewise the said Patrick M'Laren took instruments."

The next sentence shows the manner in which the Sheriff-Depute dealt with juvenile offenders. He appears to have considered that the schoolmaster was more qualified to judge of the extent of the punishment to be inflicted upon them than he was.

"*Clackmannan*, 10 *March* 1699.—The whilk day anent the complaint pursued at the instance of the Procurator-fiscal and Mr. William Smith, schoolmaster at Clackmannan, his informer, against William Lothian, lawful son to James Lothian, weaver in Clackmannan, and the said James for his interest, and Bessie Anderson, spouse to the said James, and Thomas Lothian, weaver there, compeared the heall defenders personally, who judicially acknowledged the said William Lothian his entering the Grammar School of the said place, and the beating and abusing of William Tulloch, ane scholar therein, and the said Bessie Anderson her consenting to the said deed, and coming to the school door and menacing of the said schoolmaster. Wherefore the Sheriff-Depute unlaws the said William Lothian and the said Bessie Anderson

and the said James Lothian in £20 Scots, and ordains them to make present payment thereof, or otherways to be imprisoned aye and while the same be done; and ordains the said William Lothian to be taken to the said school to be whipped or otherways punished for his said misdemeanour as the said Mr. William Smith, schoolmaster, shall think fit. Whereupon the pursuer took instruments."

At this time all fines incurred in Sheriff Courts were forfeited to the Sheriff, and the Sheriff-Depute and other officials divided them. That gave rise to a suspicion that the law was strained by them for their own benefit, and explains the next entry.

"*Clackmannan*, 19 *April* 1699.—Anent the complaint pursued at the instance of the Procurator-fiscal against John Paterson in Craigton, for scandalizing and abusing the Sheriff-Depute and Procurator-fiscal of Court with suborning and bribing of witnesses to get money unto themselves, the Sheriff-Depute assigns this day eight days for proving the points of the said complaint; and it being asserted by the said Procurator-fiscal that the points of the said complaint were truly acted and spoken by the said John Paterson, and that he should prove the same, the said John Paterson did in open face of Court most audaciously and contemptuously, without any regard to the authority of the jurisdiction, say that what he had spoken before he would speak it again, and that he the Fiscal cared not what way he got witnesses if he got money, and that he was an arrogant liar. Wherefore the Sheriff-Depute unlaws him in £20 Scots, and ordains him to be imprisoned, and there to lie until he make payment of

the same, and continues the complaint against him for forestalling of mercats until this day eight days, and ordains the Procurator-fiscal to cite and adduce what further probation he has in the matter."

A month elapsed before anything further was done. Paterson was then brought before the Court.

"*Clackmannan*, 10 *May* 1699.—The same day compeared John Paterson, mealmaker in Craigton, and judicially confesses and acknowledges that upon the 19th day of April last by past he did revile, calumniate, and abuse the Sheriff-Depute and other members of the Court upon the public street of Clackmannan, in open audience of the heall inhabitants thereof, by saying that they made it a study and endeavour to bribe and hire witnesses for proving of things never heard of, or wrought, thereby to exact money unjustly to themselves, which the said John has judicially subscribed in this manner:—John Paterson. The Sheriff-Depute unlaws the said John Paterson in a hundred punds Scots, and ordains him to make payment thereof within term of law."

The last of Mr. Morrison's sentences which will be noticed is that passed upon a sheep-stealer, and it is not severe, considering the estimation in which sheep-stealing was then held.

On 6th July 1699, Robert Livingston, chapman at Crook of Devon, pleaded guilty of stealing a black tup and two wedder sheep, and he was sentenced "To be stripped naked of his clothes, and scourged by the hand of the hangman through the whole town of Clackmannan with one of the sheep's heads and four feet hanging about his neck, and thereafter to be banished out of the

said shire, with certification that if ever he be found therein after this day and date he shall be proceeded against with the rigour of law; conform whereunto the said Robert Livingston has enacted, and hereby enacts himself, that if ever he be seen or found within the said shire of Clackmannan after the day and date of this presents, he shall be guilty of death without any order or process of law to be used against him for that offence."

And in token of his acquiescence, Livingston subscribed it in the Court book.

Although, as before stated, there is a blank in the Records of Court from 1700 to 1712, the Sheriff-Depute appears to have been conducting the business of the Court during that interval. There are some entries in the Records of the Kirk-Session of Clackmannan during that period, from which it appears that the Kirk-Session applied more than once to the Sheriff to support them in enforcing their sentences against parties for breach of discipline, but that the Sheriff declined to assist them. Thus on 24 November 1702, "The Session took into their consideration the case of Isobel Angus, found guilty of drinking with a soldier, who was afterwards found in her bed: found that she deserved a severe rebuke before the congregation; but, considering that the said Isobel Angus is half-witted or cracked, and unfit to be brought into public, lest that she should be the occasion of more scandal, they adjudged it most fit to deliver her over into the hands of the civil magistrate to be put into the jougs and dismissed the parish."—December 22. The deputation reported to the Session "that they had spoken to the magistrate anent the removal of Isobel, *but*

found him averse, which is very unacceptable to the Session."

The following year the Sheriff was again applied to, to fine an individual who was charged with drunkenness, but he again hesitated to do so, and the accused, having offered to pay a fine of £3 Scots, "the Session, taking into consideration the humble submission of the said Andrew, and for other reasons, thought fit to accept the same."

Mr. Murehead's decisions were more in accordance with modern ideas than those of Mr. Morrison, but he was not disinclined to use his influence in furthering the private interests of Colonel Dalrymple, the Sheriff-Principal, and in 1713 the following order was inserted in the Minute-Book of Court :—

"*Saturday*, 26 *September* 1713.—These are giving advertisement to all parties in and about the toun of Clackmannan not to reset any coalls from the coal heughers there, their wives, bairns, or servants, or to entice or persuade them to carry off their coalls in a clandestine manner, or to make any manner of paction with any whatsoever for coalls but such as the masters commissionate to sell coalls on the hill, which is understood to be James Mair for the time or his successors in office. As also discharging all and sundry the lieges from breaking down of dikes or ditches about enclosures, woods, or coalhills pertaining to Colonel William Dalrymple of Glenmuir and Alexander Inglis of Murdistone, or to repair to these woods or coalhills at any time in the year but at the ordinary entrys for carrying of wood, bark, or coalls for sale, and that under the pain of £10 Scots by and

attour repayment of the damage to the heritors or their tenants in their name, and ordains these presents to be intimated and published by tuck of drum at the Cross and through the toun of Clackmannan, that none may pretend ignorance.

"WILL. MUREHEAD, *Sheriff-Depute.*"

A theft of articles belonging to Colonel Dalrymple's family, however, was considered a more heinous offence. A person of the name of David Lowthian, "lawful son to Thomas Lowthian, weaver in Clackmannan," having stolen six shirts belonging to the Countess of Dumfries (Colonel Dalrymple's wife), and his sister having resetted some of them, the case was referred to the Sheriff himself, and it was thus dealt with by him :—

"10 January 1733, before Colonel William Dalrymple, Sheriff-Principal.—The Sheriff having considered David and Jean Lowthian's judicial acknowledgments, and Elizabeth Reid, spouse to the said David her character and fame, and that the stolen goods were lodged and found in her custody, finds David Lowthian guilty of theft, and Jean Lowthian guilty of prevarication and reset of theft, and therefore adjudges, decerns, and ordains the said David and Jean Lowthian to be scourged by the hands of a hangman from the head to the foot of the town of Clackmannan, betwixt and between the 20th day of February next betwixt the hours of one and two in the afternoon, and immediately thereafter to be returned to the tolbooth of Clackmannan, there to remain till the day of , and upon that day, betwixt the hours of one and two afternoon, to be of new scourged by the hands of the

hangman from the head of the said town to the foot thereof. Thereafter to be burned upon the cheek with the mark of the shire, and then the saids David and Jean Lowthian and the said Elizabeth Reid to be banished the shire never to return again thereafter."

The civil business of the Court has, since the appointment of professional lawyers as Sheriffs, been conducted in accordance with modern practice and the rules laid down by the Supreme Court and in the various Acts of Parliament which have been passed for regulating procedure. The amount of the business transacted has varied considerably at different times.

On 1 January 1782 there were 67 cases in dependence before the Sheriff, and about 260 new actions were instituted during that year. At 31 December, 76 cases were in dependence.

On 1 January 1813, thirty-one years afterwards, the number of depending actions had been reduced to 45, and the new actions raised during the year following that date were only 87 in number, while the depending actions on 31 December 1813 were 38.

In January 1832, the number of cases in dependence had increased to 96, but the number of new cases brought during that year and entered in the Rolls of Court fell to 57. It is possible, however, that all the cases may not have been entered, and at all events the introduction of Small Debt Courts in 1819 and in 1825 must have reduced the number of cases in the ordinary Court. The number of complaints decided in the Small Debt Court in 1832 was 278, and of course these are not entered in the ordinary rolls.

In 1882, fifty years afterwards, the cases were as follows:—

In Ordinary Court—

Number of Causes in dependence on 1 January 1882, . . .	6	
Number initiated during year,	66	
		72
Number disposed of. . .	60	
Number in dependence on 31 December, . . .	12	
		72

In the Debts Recovery and Small Debt Courts the number of actions raised was 231.

APPENDIX OF DOCUMENTS.

APPENDIX OF DOCUMENTS.

—o—

ABSTRACT of the ACCOUNT of JOHN of MENETETH, Sheriff of Clackmannan, rendered at Dundee before the Auditors, of all his receipts and expenses from the time of his entry on the said office, viz. from Easter 1348 to 30 March 1359, and so of twenty-two terms.

Exchequer Rolls of Scotland, vol. i. p. 570.

Charge.

Rent of the Assise of Penchonnyscroft at 20 pennies yearly,	£0	18	4
Rent of the Assise of Flaytercroft at 3 shillings yearly,	1	10	0
Rent of the Assise of Orchard at 8 shillings yearly,	4	8	0
Rent of the Assise of Camelon at 8 shillings and 1 penny yearly,	4	8	11
Rent of the Assise of Mortimersyde at 2 shillings yearly,	1	2	0
Rent of the Assise of Moubrayeroft at 1 shilling yearly,	0	11	0
Rent of the Assise of Commoncroft at 1 shilling yearly,	0	11	0
Rent of the Assise of Seryscroft at 1 shilling yearly,	0	11	0
Rent of the Assise of Rogerscroft at 1 shilling yearly,	0	11	0

Rent of Bowcroft nil, because it was in the King's hands and unoccupied during the time of account, but was now in tack, ...	.....		
Rent of Wellcroft nil, because unoccupied during time of account, ...	.....		
Rent of croft of Laurence of Cramond nil, because the Sheriff knew nothing concerning it, upon which inquiry shall be made, . . .	.....		
Rent of Lyndseys croft nil, for the same cause, .	.....		
The Land of Passage at 20 shillings yearly, because it is in assedation of the King, . . .	2	4	0
	£16	15	3

The fermes of the lands of Gilbraithton for the terms of Martinmas 1357 and Whitsunday and Martinmas immediately following, but nothing for the preceding terms of the account, because it was in the hands of Sir Robert de Erskine, . .	14	6	8
The fermes of Gartelof, Gersmanncars, Bernalgh, Gartynkere, Kirkdaugh, for the foresaid three terms and nothing of the terms preceding, because they were in the hands of Lady Marjory of Charteris by reason of terce, . . .	8	0	0
The rent of the lands of Canet for the terms of Whitsunday and Martinmas 1358 and nothing for the terms of Martinmas preceding, because they were in the hands of the wife of the deceased Thomas of Bruce by reason of terce, . . .	2	0	0
The fermes of Ferycars for the three terms aforesaid, Martinmas, Whitsunday, and Martinmas, and nothing for the terms preceding, because it was in the hands of Adam de Argents by grant from the King, ...	7	13	4
The fermes of the lands of Craigorie and Park Meadow nil, because they were not in tack, .	.....		
The fermes of the lands of Gatyshend for the foresaid terms and nothing for the terms preceding, because they were in the hands of Robert of Bruce by grant from the King, . . .	0	18	0

The fermes of Tollicultry Regis and of Pattynsken for the foresaid three terms and nothing for the terms preceding, because they were in the hands of Sir John of Danyellston by reason of Ward, and when the Ward ceased, in the hands of William of Carnot, heir of the deceased Thomas of Carnot, ...	12	12	4
The fermes of Grassmainston for the preceding terms of Whitsunday and Martinmas and nothing previously, because they were in the hands of Sir Robert of Erskine and John of Meneteth by reason of Ward, and when the Ward ceased, in the hand of Robert of Bruce, heir of the late Thomas of Bruce, ...	3	10	0
The fermes of Pitfulden for the terms of Whitsunday and Martinmas last past, . . .	0	5	0
For the herbage of the Park for the terms of Whitsunday and Martinmas last past and nothing for the preceding terms, because it was in the hand of Robert of Bruce, ...	2	0	0
The fermes of Alloway for the three terms aforesaid and nothing for the preceding terms, being in the hands of Sir William Bailly by the King's grant, ...	36	13	4
The fermes of Tulligart for the said three terms and nothing for the preceding terms, being in the hands of Sir John of Danellyston and William of Carnot for the same cause, . . .	4	6	8
The Mill of Clackmannan for the term of Whitsunday 1357 and nothing for the preceding terms, being in the hands of Robert of Bruce as above, nor of the term of Martinmas now last, because it was granted to John of Meneteth for building of his Mill by the Earl of Mar, Chamberlain, . .	2	0	0
The Mill of Inchegare, because unoccupied throughout the time of account, on which inquiry shall be made, ...	..	...	
The lands of Dryfield, because under tack with the lands of Petyntasken, as to which inquiry is to be made, ...	.....		

From the Brewing women of Clackmannan, each of whom was wont to give 4 pennies yearly, nil, because the compter showed upon account that he could not by Assise find that rent, because nothing was known of it upon which there shall be inquiry by the Chamberlain, ...	.....		
For the Foggage of the Forest of Clackmannan for the terms of Whitsunday and Martinmas last past, .	2	6	8
Of the contributions taxed by the Steward of Scotland, then Keeper of the Kingdom from the time of the Battle of Durham until the liberation of our Lord the King, nil, because the compter did not know how to render account of these contributions paid by himself, and therefore put himself in the will of our lord the King, . .	.....		
From the fines of the Justice Ayre during the time of the account, nil, because, as he said, none were levied, upon which inquiry shall be made, .	.....		
	£113	7	3

Discharge.

Cash paid to Marjory Fleming conform to Precept under letters of the King, . . .	£3	6	8
Cash paid to Sir Robert de Erskine for munitions to the Castle of Stirling, ...	53	6	8
Cash paid to William de Vaux, Chamberlain to the King, ...	17	3	0
Cash paid to the same person by the liberality of the King, ...	7	4	11
Carriage of Timber of Sir Bartholomew de Loon from the Forest as far as the Pool, . . .	1	1	0
Cash paid to Sir Robert de Erskine which he had lent over the King's lands, ...	6	15	11
Fee to the compter for the time of this account, .	13	12	0
Fee to the Constable of Clackmannan for three terms of this account, ...	1	0	0
Fee to him for other three terms, . . .	1	1	0

Allowed for the ferms of Canet at Martinmas 1357, because they were in the hands of Allan of Erskine by grant of the wife of the deceased Thomas de Bruce, and the said Allan had the land in tillage, ...	2	0	0
Sum uplifted by Sir William Bailly from the lands of Alloa before the term of Martinmas 1357, .	0	18	0
	£107	9	2

Sum of Charge, . . .	£113	7	3
Sum of Discharge, . . .	107	9	2
Clear balance, . .	£5	18	1

Note.—The balance brought out in the account was £5, 9s. 1d., but that appears to have been an error.

Charter in favour of William de Menteith.

Scots Acts of Parliament, vol. i. p. 664.

In Parliamento Apud Sconam XXII. Die Octobris A.D. MCCCLXXXII.

Robertus dei gra Rex Scotorum omnibus probis hominibus totius terre sue Clericis et Laicis salutem sciatis nos dedisse concessisse et hac pñti Carta nostra confirmasse Willielmo de Menteth filio et Heredi Mariote de Strivelyn filie et Heredis quondam Johannis de Strivelyn Militis omnes terras et tenementa Baroniarum nostrarum de West Kerss et de Alueth cum pertinentiis infra Vicecomitatum de Strivelyn et ubilibet infra Regnum nostrum ac etiam

Officia Vicecomitatus et forestarie de Clakmannane que fuerunt dicte Mariote et que dicta Mariota non vi aut metu ducta nec errore lapsa sed mera et spontane-voluntate sua nobis per suas Literas Patentes apud Sconam in pleno Parliamento nostro tento ibidem XXII Die Octobris anno domini M°CCC octogessimo secundo coram Magnatibus Regni nostri sursum reddidit et pure et simpliciter resignavit ac totum jus et clameum que in dictis terris et officiis cum pertinene habuit vel habere potuit pro se et heredibus suis omnino quietum clamavit in perpetuum. Tenend et Habend eidem Wilmo et Elizabeth Sponse sue et eorum diucius viventi et heredibus inter ipsos legittime procreatis seu procreandis quibus forte deficientibus heredibus legittimis dicti Wilmi quibuscunque de nobis heredibus nostris in feodo et hereditate in perpetuum omnes dictas terras de West Kerss et de Alueth nec non Officia cum Tenendriis suis de Ochiltrie et Per-dovenyne ejusdem Baronie de West Kerss per omnes rectas metas et divisas suas cum pertinenciis suis qubuscumque in integras et liberas Baronias cum Sok et Sak Thole et Theme, Furca et Fossa Infang-anthiefe et Outfanganthiefe et cum Tenendriis et libere tenentium servitiis in viis semitis moris et maresiis in pratis pascuis et pasturis in silvis et memoribus in aucupatione piscatione et venatione in curiis Escaetis et earum exitibus molendinis multures et eorum sequelis et omnibus aliis et singulis liber-tatibus commoditatibus aysiamentis feodis rectitu-dinibus et consuetudinibus et aliis justis pertinentiis suis quibuscunque ad omnes dictas terras et officia necnon tenementa spectantibus seu spectare valentibus

in futurum quoquo modo in libera Forestra et Warrena adeo libere quiete integre et pacifice sic ut dicta Mariota eundem cum pertinentiis ante resignationem suam prefatam de nobis tenuit et possidit. Faciendo inde servicia debita et consueta salvo dicte Mariote libero tenemento omnium prefatarum terrarum tenementorum et officiorum cum pertinenciis pro toto tempore vite sue Quare omnibus et singulis quorum interest vel interesse poterit damus firmiter in mandatis quatenus eidem Wilmo et Elisabeth sponse sue et eorum diucius viventi ac heredibus suis supra dictis in omnibus et singulis dicta officia contingentibus prompte respondeant parcant et intendant. In cujus rei testimonium pñti Carte nostre nostrum precipimus apponi Sigillum Testibus Venerabilibus in Christo Patribus Willmo et Johanne Cancellario nostro S^{ti} Andree et Dunkeld Ecclesiarum Epis Johanne Primogenito nostro de de Carrik senescallo Scotie Roberto de Fife et de Meneteth fili ñro dilecto Wilño de Douglas et de Mar Consanguines Nostro Comitibus Jacobo de Lyndesay Nepote ñro carissimo et Roberto Erskyne Militibus Vicesimo Tertio Die Octobris Anno Regni nostri duodecimo.

Minutes of the Lords of Council.

From Acts of Lords of Council, p. 121.

At Edinburgh, 7 July 1489.

In presence of the Lords of Council William Menteith of the Kerss for himself his brethren kin

and friends on the one part and Robert Bruce of Airth for him his brethren kin and friends on the other part are bound and obliged to stand and abide at the deliverance and ordinance of the Lords underwritten touching the making of amends for all actions unkindness and displeasure, done by the said William, Archibald his brother and their friends to the said Robert and Lucas Bruce their kin and friends and touching the making of amity love and tenderness to be had betwixt both the said parties their kin and friends in time to come, that is to say Robert Bishop of Glasgow, William Bishop of Aberdeen, John Prior of Saint Andrews and Henry Abbot of Cambuskenneth, my Lord Chancellor, the Earl of Bothwell, the Lord of Glamis, the Lord of Montgomery and the Lord of Saint John. And these Lords have taken on them to meet at Edinburgh or where the king shall happen to be for the time the fourteenth day of October next to come and to deliver thereinto before the eighth day after Martinmas next thereafter. And both the said parties have agreed in the meantime as is above written And because the said parties alleged that there were certain of their kin and friends that were not present and therefore could not bind for them, that nevertheless they have bound them for the same parties for the space of eight days next to come And either of the said parties are bound to shew to the other the names of them that will not bide at this appointment betwixt this and the said eight days.

18 October 1490.

At Edinburgh the eighteenth day of October in the year of God One thousand four hundred and ninety years in presence of the Lords of our Sovereign Lords Council under written that is to say the Reverend Fathers in God Robert Bishop of Glasgow and William Bishop of Aberdeen ane venerable Father John Prior of Saint Andrews Privy Seal and master Alexander Inglis Archdeacon of Saint Andrews, the Noble and Mighty Lord Patrick Earl Bothwell, and Lord Hailes, William Lord of Saint Johns Great Master of the Household to our Sovereign Lord and Robert Lord Lisle. It is appointed agreed concorded and finally ended betwixt William Menteith of the Kerss, Knight, Archibald of Menteith and Alexander Menteith his brothers with others of their kin and friends on the one part and Robert Bruce of Airth Sir Alexander Bruce and Lucas Bruce his enimis and others his kin and friends on the other part anent the death and slaughter of umquhile John Bruce father to the said Robert and for amends kynbute and friendship to be and stand betwixt the said parties in time to come in manner as follows On the first, the said Archibald Menteith and so many persons as are now in life and present in this town that were committers of the said slaughter shall upon Tuesday the. twentieth day of the said month, now instant, come to the Market Cross of Edinburgh in their linen clothes with bare swords in their hands and ask the said Robert and his friends forgiveness of the death of the said John as the manner is used thereof and to

remit to them the rancour of their hearts and shall for the soul of the said John seek or gar seek the four head pilgrimages of Scotland and there say mass for the soul and further the said Robert Bruce shall within twenty days next to come enter one priest to sing in the kirk of Airth for the space of two years. The said Robert paying the one half of his fee and the said Archibald of Menteith the other half. The which two years being past the said Robert shall gar one priest sing in the same kirk for the said soul.

Charter by James IV. in favour of William Menteith of Kers.

From Register of Great Seal, vol. ii. p. 398.

Apud Striveling, 25 September 1489.

Rex concessit familiari suo Willelmo Menteith de Kers, militi, et heredibus ejus,—terras et baroniam de Alweth, vicecomitatu Striveling; cum officio vicecomitatus de Clakmannane, cum feodis, proficui, etc.;—que fuerunt Joh Schaw de Alweth per resignationem dicti Wil et quas dictus Joh resignavit:—Witnesses Robertus, Episcopus Glasguensis; Georgeus, Episcopus Dunkeldensis; Colinus, Comes de Ergile, Dominus Campbell et Lorne, Cancellarius; Patricius, Comes de Boithwell, Dominus Halis, Magister Hospitii Regis; Willelmus, Comes de Eroll, Dominus Hay, Constabularius Scotie; Johannes, Dominus Glammis, Justiciarius; Johannes, Dominus Drummond, Justici-

arius; Alexander Hume de eodem, Magnus Camerarius; Andreas, Dominus Gray; Laurentius, Dominus Oliphant; Willelmus, Dominus Sancti Johannis, Thesaurarius; Johannes, Prior Sancti Andree, Secreti Sigilli Custos; M. Alexander Inglis, Archidiaconus Sancti Andree; M. Ricardus Murehede, Decanus Glasguensis, Clericus Rotulorum et Registri ac Concilii; M. Archibaldus Quhitelaw, Sub-decanus Glasguensis, Secretarius Regis.

Charter by James V. in favour of William Menteith of Kerse.

From Register of Great Seal, vol. iii. p. 657.

Apud Fawley 26 October 1542.

Rex conformavit Willelmo Menteith de Kerse,—terræ et baroniam de Kerse cum turre et fortelicio earundem et salmonum piscaria super aqua de Carrone vizt. rerras de Wester Kerse Over et Nether Mongwaill cum molendino tenentibus etc. et piscaria super aqua de Carone terras de Ranny furd cum tenentibus etc. Vicecomitate Striveling, terras de Uchiltree cum manerie molendino carbonairo tenentibus etc. terras de Perdovin cum manerie molendino, tenentibus etc. vie Linlithgow et per annexionem infra vie de Striveling; terras et baroniam de Alvete cum turre fortalilio granorum et fullonum molendinis ac piscaria super acqua de Dovam terres de Cavuke cum tenentibus etc. vie Striveling cum officio vicecomitis de Clakmannane ac cum omnibus juribus proficius etc.

nundinarum annuatim die S Bartholomei apud villam de Clakmannane tenendarum, quas idem Willem personaliter resignavit and quas Rex pro servitio dict Will ac pro speciali favore de novo incorporavit in liberum baroniam de Kerse ordinando turrim de Wester Kerse fore principale messuagium ejusdem; et easdem ei de novo dedid. Tenend dicto Will et heredibus misculis ejus de corpore legit procreatis, quibis deficientibus Roberto Menteith ejus patrus et heredibus etc., ut supra quibus deficientibus Jacobo Menteith in Salcotes et heredibus etc. quibus deficientibus Johano Menteith in Alveth et heredibus etc. quibus deficientibus Willelmo Menteith filio et heredi quondam Patricii Menteith de Randyfurd et heredibus etc. quibus deficientibus Alexandro Menteith apud Polmonth Mylne et heredibus etc. quibus deficientibus legit et propinquioribus heredibus masc. dicti Wil. Menteith de Kerse quibuscumque, quibus deficientibus ejus legit et propinquioribus heredibus quibuscum :—Reddend tres sectos at tria placita capitalia vic de Striveling cum servitio warde etc. Insuper decrevit rex quod si contingeret dictas terras etc. alicui heredum taillie de corpore dicti Willelmo non procreato ratione hujus carte pertinere dict heres persolveret unicuique filiarum dicti Willelmi viz. Helene Elizt et Jonete Menteith summan 3000 librarum ipsarum maritagiorum supporationi; et voluit quod si pars dict terrarum etc. in conjuncta infeodatione daretur aut sub reversione alienaretur terris redemptis aut domina conjuncte infeodationis decedente dicta pars dicte baronie reverteretur.

CHARTER BY QUEEN MARY IN FAVOUR OF JOHN MENTEITH, SON AND APPARENT HEIR OF ROBERT MENTEITH OF KERSS.

From Register of Great Seal, vol. iii. p. 159.

At Edinburgh 30 October 1552.

Regina,—cum consensu Jacobi comitis Aranie dom Hammiltoun, tutoris sui et gubernatoris Scotie,—concessit Johanni Menteth, filio et apparenti heredi Roberti M. de Kers,—terras et baroniam de Westir Kers, scil. terras et baroniam de Kers, cum turre et fortalicio, salmonum piscarriis super aquam de Carron, terras de Westir Kers, Ovir et Nethir Mongwell, cum molendino, tenentibus etc., terras de Romyfurde cum tenentibus etc., vic. Striveling; terras de Uchiltre cum manerio, molendino, carbonario, tenentibus etc., terras de Perdoven cum manerie, molendino, tenentibus etc., vic. Linlithgow; terras et baroniam de Alveth cum turre et fortalicio, granorum et fullonum molendinis piscariis super aequa de Doun, terras de Skaverkie, cum tenentibus etc., vic. Striveling; cum officio vicecomitis de Clakmannane, omnibusque juribus proficius et devoriis publicarum nundinarum apud oppidum de Clakmannane in die festi Bartholmei tenend. annuatim;—quas (in unam baroniam de Westir Kers per regem Jac. V. incorporatas) dictus Rob. resignavit:—Tenend. dicto Joh. et heredibus masc. ejus de corpore legit. procreatis, quibus deficientibus, heredibus masculis in carta tallie quondam Willelmo

Menteth de Kers per Jac. V. regem confecta contentis: Reddend. annuatim tres sectas ad tria placita capitalia vic. de Striveling, cum servitio warde etc. :—Reservatio libero tenemento dicto. Rob., et rationalili tertia ejus conjugi cuicunque cum contingeret :—Witnesses, Johannes Archiepiscopus Sancti Andree, Thesaurarius; Georgius, Comes de Huntlie Dominus Gordoun et Badyenach Cancellarius; Archibaldus Comes Ergadie, Dominus Campbell et Lorne; Georgius Commendatarius de Dunfermling, Secreti Sigilli Custos; M. Thomas Marjoribanks de Ratho, Clericus Rotulorum Registri ac Concilii; M. Johannes Bellenden (Bennatyne) de Auchnoule, Clericus Justiciarie; M. Alexander Levyngstoun de Donypace Director Cancellarie.

Charter by Queen Mary in favour of John Menteith, son and apparent heir of Robert Menteith of Kerss.

From Register of Great Seal, vol. iii. p. 392.

At Edinburgh 8 July 1565.

Regina concessit Johanni Menteith filio et heredi apparenti Roberti M. de Kers in vitali redditu, et Willelmo Menteith ejus filio et heredi apparenti in feodo,—terras et baroniam de Westir Kers, viz. terras et baroniam de Kers cum turre et fortalicio ac salmonum piscationibus super aqua de Carrone, terras de Westir Kers, Over et Nethir Mongwell cum molendino, tenentibus etc., terras de Romyfurde cum tenentibus etc., vic.

Striviling; terras de Uchiltre, cum manerie, molendino, carbonario, tenentibus etc., terras de Perdoven cum manerie, molendino, tenentibus etc., vic. Linlithgu; terras et Baroniam de Alveth cum turre et fortalicio, molendino granariis et fullonio, ac piscationibus super aqua de Doune terras de Skaverkie cum tenentibus etc., vic. Striviling; cum officio vicecomitis de Clakmannane, cum proficius de liberis et publicis nundinis annuatim apud oppidum de C. tenendis super diem Divi Bartholomei;—quas, per regem Jac. V. in baroniam de Westir Kers incorporatas, idem Joh. personaliter resignavit:—Tenend. dicto Joh. ut supra, dicto Wil. et heredibus masc. ejus de corpore legitime procreandis, quibus deficientibus, aliis heredibus masc. dicti Joh. de corpore legit. procreatis, quibus def. heredibus masc. in carta tallie facta per Jacobum V. regem quondam Willelmo Menteith de Kers contentis:—Reddend. annuatim tres sectas ad tria placita capitalia vic. de Striviling, cum servitiis relevii et maritagii cum contingerent: Reservatis libero tenemento dicto Roberto seniori, et rationabili tertia Helene Menteith tunc spouse dicti Joh., vel cuicunque alii ejus sponse tempore ejus decessus existenti: Witnesses Johannes (Gawinus in carta 1782) Archiepiscopus Sancti Andree; Jacobus, Comes de Mortoun, Dominus Dalkeith, Cancellarius; Willelmus, Comes Mariscalli, Dominus Keith; Richardus Maitland de Lethingtoun, Eques Auratus, Secreti Sigilli Custos; M. Jacobus Makgill de Rankelour-Nethir, Clericus Rotulorum Registri ac Concilii.

Ratification in favour of Sir Henry Bruce of Clackmannan of the Lands and Barony of Clackmannan, etc.

From Acts of Parliament, vol. vii. p. 629.

Our Sovereign Lord with advice and consent of the Estates of this present Parliament has ratified approved and confirmed, and by these presents ratifies approves and confirms the Charter and new Gift therein contained granted by his Majesty under his Majesty's great seal of this Kingdom of the date at his Majesty's Court of Whitehall the twenty-sixth day of March last by past in this instant year 1669 To and in favour of his Majesty's lovite Sir Henry Bruce of Clackmannan, Knight, and his heirs male of his own body whom failing to his nearest and lawful heirs male whatsoever who shall be obliged to take upon them and carry the surname and arms of Bruce, which all failing to return to his Majesty and his successors heritably of all and sundry the lands and others after specified To wit All and Haill the lands and Barony of Clackmannan with annexis connexis and their dependences above and after specified viz. the mains and old Barony of Clackmannan with the tower fortalice yards orchards thereof the town and Burgh of Barony of Clackmannan and haill liberties privileges immunities tolls customs and casualties thereof with two weekly markets to be kept weekly in the foresaid Burgh of Clackmannan upon Wednesday and Saturday with all tolls customs casualties profits liberties and immunities thereof,

together with the Mill of Clackmannan tofts crofts annexis connexis dependencies thereof tenants tenandries and service of free tenants with the commonty thereof called Pilmure and Anryse which town of Clackmannan of old was made constitute erected and created by all the bounds and commonty thereof in one free Burgh of Barony All and Haill the lands of Halhill Over and Nether Hilend Kairfhill Cartoquhie Grasmanston Garthalow Birkhill Lynmilne milnelands and multures of the same Tullygarth Pittenskeine Mortimersyde Craigorie Kemlin Eistpark and Wester Kennet with all and sundry pendicles and pertinents whatsoever lying within the Barony of Clackmannan and sheriffdom thereof with all and sundry castles, towers, fortalices, manor places, mills, multures, woods, fishings, as well in salt as fresh water, hills, braes, valleys, yards, orchards, annexis connexis, outsets, dependencies, tenants tenandries, service of free tenants, advocations donations and right of patronage of the Kirks beneficies and chaplainries of all and sundry the forenamed Lands, Barony, Burgh of Barony and others above mentioned with the free forest of the same Courts and all other privileges and liberties of free forests lying as is above rehearsed All and Haill the lands and tenandry of Easter Kennet with the manor place houses biggings yards orchards dovecots and pertinents thereof ; together with the croft called grieves acre belonging to the foresaid lands and sic like, the tenement of land called Baxters Land with the waste lands yard and croft belonging thereto lying on the north side of the town of Clackmannan betwixt the lands of John Proud on the West and the lands of John

Methven on the east parts, the croft of land called the crooked croft having the public way on the east and the lands of the deceased Sir David Bruce of Clackmannan on the west south and north parts and the other croft called also the crooked croft lying on the east part of the foresaid public way near the overcroft immediately preceding betwixt the lands of William Mitchell on the east and the lands of the said deceased Sir David Bruce on the west parts with grass pasturage in the foresaid commonty of Clackmannan use and wont. The lands of Craighill and Hiltoun croft together with the coals of the same and the superiority of the lands of the deceased Gilbert Coustoun lying on the north part of the foresaid Burgh of Clackmannan betwixt the lands of Andrew Methven on the west and the lands of David Cambie on the east parts. And the superiority of nine acres of the lands of Wester Kennet which sometimes pertained to the said lands of easter Kennet heritably with all and sundry houses biggings yards outsets insets tofts crofts pasturages tenants tenandries service of free tenants parts pendicles privileges and pertinents of the lands above mentioned lying within the Parish and Sheriffdom of Clackmannan above mentioned. All and Haill the teind sheaves and parsonage teinds of All and Haill the said lands and tenandry of Easter Kennet not formerly disponed to Mr. Robert Bruce with annexis connexis tenants tennandries and all their pertinents. And also of the foresaid croft of land called Greivs Acre belonging to the same lands And of the said other croft yard and tenement of land called Baxters land contiguous adjacent lying on the north part of the foresaid Burgh

with the foresaid croft called the crooked way on the west side of his Majesty's said way which leads to Clackmannan and the foresaid other croft of land likewise called crooked croft on the west part of his Majesty's said highway which leads to the said Burgh lying almost near the foresaid other croft And of All and Haill the said lands of Craighill and Hiltoun Croft otherwise called Serjantland all lying within the foresaid Barony of Clackmannan and Sheriffdom thereof erected in one free tenandrie called the tenandrie of easter Kennet, and in like manner to the said Sir Henry Bruce and his heirs male carrying the surname and arms of Bruce which failing his nearest lawful heirs whatsoever who shall be obliged to take upon them the same surname and arms of Bruce and to his or their assignees whatsoever heritably of all and haill these forty acres of kirklands lying within the mains of Craigorie with all their pertinents whatsoever And also within the Barony and Sheriffdom of Clackmannan abovementioned Together with the free fair to be holden yearly within the said Burgh of Clackmannan upon the fifteenth day of June conform to the Act of Parliament made thereanent and haill liberties privileges immunities tolls customs and casualties of the same free fairs All and Sundry the lands and Barony of Sauchie with the castle tower fortalices mills multures coals coalheughs tenants tenandries service of free tenants thereof and all their pertinents lying within the foresaid Sheriffdom of Clackmannan together with the teind sheaves of the same All and Sundry the lands of Gairdinkeir with their pertinents lying within the Regality of Dunfermline and Sheriffdom of Clackmannan above specified

And of All and Haill the offices of Sheriffship and Forestry of the foresaid Sheriffdom of Clackmannan together with all privileges immunities and casualties customs and dues of the free fairs called St. Barthelmeus fairs to be holden at Clackmannan the day of August yearly with all profits whatsoever pertaining and belonging or that justly may belong to the foresaids two offices or either of them with the privilege of Court plaint bloodweits amerchiaments pit and gallows with all other privileges immunities and casualties whatsoever belonging thereto all united in one haill and free Barony Burgh of Barony Forestry and Sheriffship called the Barony Burgh of Barony Forestry and Sheriffship of Clackmannan to be holden of his Majesty and his successors in fee heritage free Burgh of Barony offices of Sheriffship and Forestry and free Barony for yearly payment of the blench and feuduties expressed in the said charter, notwithstanding that the foresaid lands and old barony of Clackmannan with the mills commonty and pendicles thereof above rehearsed, Burgh of Barony weekly markets and free fairs above specified tolls customs privileges and liberties of the same the foresaid lands of Halkhill Over and Nethir Hilend Kearshill Cartoquhie Grassmanstoun Garthalow Birkhill Lynemilne Tulliegarth Pittenskenie Mortmersyde Craigories Kemling Eastpark and Westir Kennit with all their pertinents and also the advocation donation and right of patronage of the kirks benefices and chaplainries above expressed free forest above written the foresaid lands and barony of Sauchie with the teinds coals and pertinents and the foresaid offices of Sheriffship and Forestry and free fair

called Barthemews fair with tolls customs and privileges of the same above mentioned were holden of old by service of ward and relief. By the which Charter his Majesty promised *in verbo principis* to ratify the same in his Majesty's next Parliament and ordained the foresaid charter to be ane sufficient warrant for that effect together with the precept of sasine following upon the same charter and instrument of sasine following or to follow upon the foresaid precept, in all and sundry points articles and clauses therein contained after the form and tenor thereof. And statutes and ordains that this present confirmation thereof is and shall be also valid effectual and sufficient as if they were insert herein, dispensing with the not inserting thereof in this present Act of Ratification, like as his Majesty with consent foresaid wills grants and ordains that the Lands Barony and others above rehearsed which formerly held ward in all time coming are to be holden of his Majesty and his successors by the said Sir Henry Bruce and his above specified in free blench fee heritage free Burgh of Barony Forestry and Sheriffship above mentioned. In respect of the change of the holding specified in the foresaid charter from ward to blench for payment of the blench duties therein expressed notwithstanding that the same lands and others above written were holden of old by service of ward and relief And finds statutes and ordains that the foresaid charter precept and instrument of sasine following or to follow thereupon and remaining rights and securities made to the said Sir Henry Bruce his predecessors and authors of the foresaids haill lands and baronies and others respectively above mentioned all erected by the

foresaid charter in the foresaid Barony of Clackmannan shall be sufficient and valid rights and securities for brookeing and joyfeing thereof in all time coming to be holden of his Majesty and his successors in blench and feu as is above expressed.

From Acts of Parliament, vol. ix. p. 250.

At Edinburgh 28 April 1693.

Act fining the absent Barons of Burghs.

Forasmuch as . . . and David Bruce of Clackmannan Commissioner for the Shire of Clackmannan have absented themselves from this session of Parliament notwithstanding whereof it pleased their Majestys' Commissioner and Estates of Parliament by an Act of the 23rd of April to allow them to come in and qualify themselves for that duty at or before the 5th of May instant with certification And the saids persons being this day called and not compearing the King and Queen's Majesties with advice and consent of the said estates Do, Conform to the Act of Parliament for amerciating of absent members, fine and amerciate each of the said Barons in the sum of Six hundred pounds Scots, and each one of the foresaid Commissioners for Burghs in the sum of Two hundred pounds Scots And appoints the Receiver General of their Majesties rents and casualties to collect and uplift the respective fines and penalties above mentioned and to pay in the same to their Majestys Treasury. And Ordains horning to pass hereon at the instance of the said Receiver General on a charge of fifteen days and

all other execution competent to be directed and used for inbringing of the same as accords of the law. And further, the King and Queen's Majesties with consent foresaid Declare their places as members of this Parliament to be vacant, and warns and requires the Sheriffs of the respective shires and their Deputes or Clerks to call and convene with all diligence the freeholders to meet at the head Burghs thereof and ordains them being met to elect fit and qualified persons in their places and in like manner ordains the Magistrates and Town Councils of the Burghs above mentioned to meet and elect fit and qualified persons in place of those above named to represent them in this current Parliament as they will be answerable, and that upon the precise days following viz.:—That such Shires and Burghs as are besouth the River of Tay meet and elect at the respective places upon the sixteenth day of May instant, and that such Shires and Burghs as are benorth the said River of Tay meet and elect on the twenty-third day of the said month of May.

Commission by King William III. in favour of Mr. Robert Stewart.

From Minute-Book of Court.

8 June 1698.

Gulielmus Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Rex fideique Defensor omnibus probis hominibus ad quos præsentes literæ nostræ per venetunt salutem; Quando quidem nos considerantes officium vicecomitis principalis vicecomitatus de

Clakmannane infra antiquum regnum nostrum Scotie in manibus nostris vaccari et ad donationem nostram et dispositionem extistere et nos abunde satisfacti de fidelitate et integritate Magistri Roberti Stewart, Advocati unius ex Commissariis Edinburgi ac eximiis ejus animi dotibus pro dicto munero obeundo Noveritis igitur nos dedisse concessisse et disposuisse sic uti per presentes hasce nostras literas damus concedimus et disponimus præfato magistro Roberto Stewart Durante nostro bene placito duntaxat dictum officium vicecomitis antedicti vicecomitatus de Clakmannane cum omnibus feodes principalis beneficiis privilegiis immunitatibus et casualitatibus quibuscunque eo spectantibus tam plenarie et libere in omnibus respectibus et conditionibus ac quivis alius vicecomes alicujus alius vicecomitatus infra dictum regnum simili officio potitus et gavisus est seu gaudere poterit secundum leges et constitutiones ejusdem et speciatim cum potestate illi jurante spatio antedicto deputatos et substitutos subse in dicto officio pro quibus respondere tenebitur omniaque alia curiæ membra necessaria (clericis solum modo exceptis) nominandi et constituendi proviso omnimodo quod respondere tenebitur pro collectione computatione et solutione dominis commissionariis nostri Thesaurarii et scaccarii feudi fermæ retournaturum et albe ferma divioriarum aliarumque casualitatum ad nos spectantium sive que ad regios nostros prædicessores spectarunt atque nunc colligi computari et persolvi solitarum et consuetarum omnia que alia jura et servitia præstare quibus vicecomites ex legibus hujus regni nostri aut officiorum suorum natura et constitutione astringuntur In cujus rei testimonium presentibus magnum sigillum

nostrum appendi præcepimus apud aulam nostram de Kensingtone octavo die mensis Junii anno domini jmvc et nonogesimo octavo et anno regni nostri decimo per signaturam Manu. S. D. N. Regis Supra signatam.

From Acts of Parliament, vol. xi. p. 198.

August 28, 1704.

Prayers said—Rolls called—Minutes of the last sederunt read.

The process the Laird of Clackmannan against his creditors being called and none of them compearing, protection was granted to him to the next session of Parliament inclusive in manner following:—

Anent the summons and action raised and pursued before the High Court of Parliament at the instance of David Bruce of Clackmannan against his creditors afternamed vizt. (here the names of the creditors are stated), the which summons maketh mention that "where it hath been the pursuer's misfortune to have lost his estate and become insolvent, partly through his having unadvisedly entered himself heir to his father, believing his debts far within the value of his estates the pursuer's father left him. By which mistake the pursuer continued to bestow very considerable sums for fitting out and putting in good condition the coals of Clackmannan and Sauchie, which though at the beginning they did not answer the pursuer's expectation, yet is now found to be most beneficial to his creditors. Secundo, As soon as the pursuer

knew his insolvency, he disponed his whole estate to his creditors, and they or their factor have ever since been in possession thereof. Tertio, The pursuer has obtained consent from the most considerable of his creditors, and only some few out of humour do persist to execute legal diligence against him to no other effect possible but to vex him and ruin his person after he has divested himself of all his estate for their satisfaction, and in that case the allowing the pursuer a freedom for his person is most consistent with law," the said pursuer, compearing by Sir John Erskine, advocate, his procurator, and there being no compearance for the defenders, the foresaid summons and executions thereof with the absence of the defenders being at length heard, seen, and considered by her Majesty's High Commissioner and the Estates of Parliament, and they being therewith well and rightly advised, Our Sovereign Lady, with advice and consent of the said Estates of Parliament, has given and hereby gives protection to the pursuer from personal diligence for civil debts until the next session of Parliament inclusive.

From the Register of the Great Seal, Lib. 83, No. 157.

Carta Resignationis Magistri Gulielmj Dalrymple et Alexandri Inglis Terrarum et Baroniæ de Clackmannan. Anna Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideique Defensor Omnibus probis hominibus totius terræ suæ clericis et laicis Salutem

Sciatis Nos cum avisato et consensu predilecti nostri consanguinei et conciliarij Jacobi comitis de Seafeild capitalis Baronis Scaccarij nostri illius partis regni nostri Magnæ Britanniæ Scotiæ nuncupat nec non cum avisato et consensu Alexri Maitland de Pitrichie et Joannis Clerk junioris de Pennycook armigerorum duorum dict Scaccarij nostri baronum Dedisse concessisse disposuisse proqz nobis nostrisqz regijs successoribus in perpetuum confirmasse sicuti Nos senore putis cartæ nostræ Damus concedimus disponimus proqz nobis nrisqz antedict in perpetuum confirmamus Dilecto nostro Magistro Gulielmo Dalrymple de Glenmure et Alexro Inglis de Murdistoun mercatori in Edinburgo aqualiter inter eos heredibus suis et assignatis quibuscunqz hereditarie et irreliter sine ulla reversione redemptione aut regressu aliquali omnes et singulas terras aliaqz postea mentionat viz. : Totas et integras terras et baroniam de Clackmannan cum annexis connexis et suis dependentijs subscript scilicet terras Dominicales et antiquam baroniam de Clackmannan cum turre fortalicio manerei loco hortis pomarijs earund villam et burgum baroniæ de Clackmannan et integris privilegijs libertatibus immunitatibus tollonijs custumis et casualitatibus earund cum molendino de Clackmannan toftis croftis annexis connexis dependentijs teneñ tenañ libereque teneñ servitijs cum cummunia earund vocat Pilmure etc. . . . Et tota et integra officia vicecomitatus et Forrestarij dict vicecomitatus n̄r̄i de Clackmannan una cum omnibus privilegijs immunitatibus et custumis liberi fori vocat sanct Bartholomeus Fair apud Clackmannan super

die mensis Augusti annuat teneñ cum casuali-

tatibus proficuis et divorijs quibuscunque pertineñ et spectañ seu juste spectare valeñ ad duo officia et eorum alterutrum cum privilegijs curiæ placitis bloodwitis amerciamentis pitt et gallous ac cum omnibus alijs privilegijs immunitatibus et casualitatibus quibuscunque ad eadem pertineñ Quc quidem terræ baronia burgum baroniæ decime officia aliaque particulariter supramentionat jaceñ modo predict omnes unit annexat erect creat et incorporat fuerunt in unam integram et liberam baroniam nunc et omni tempore futuro Baronia Burgum baroniæ et vicecomitatus de Clackmannan nuncupand secundum cartam sub magno sigillo Scotiæ contineñ Novo Damus de data apud Whitehall vigesimo sexto Martij millesimo sexcentesimo sexagesimo nono concessam per Carolum Secundum Regem beatæ memoriæ In favorem Domini Henrici Bruce de Clackmannan militis et heredibus ejus inibi nominat ordinañ turrem fortalicium et manerei locum de Clackmannan prīñle fore messuagium dict baroniæ et decernañ et ordinañ sasinam tunc capiend per dict Dominum Henricum Bruce ejusqe antedict omni tempore futuro apud manerei locum de Clackmannan sufficieñ fore pro integris terris baronijs burgo baroniæ officijs decimis alijsque particulariter supramentionat sine ulla alia particulari sasina suscipiend per illos apud aliquam aliam partem non obstañ discontigue jacent et quaquidem terræ et baronia de Clackmannan contineñ comprehendeñ et jaceñ modo predict perprius pertinuerunt ad Davidem Bruce de Clackmannan et virtute decreti venditionis pronunciat per Dominos Concilij et Sessionis ad instantiam Davidis Bruce apothecarij burgeñ de Edinburgh creditoris dict Domini Henrici et Davidis Bruces

decimo septimo Decembris millesimo septingentesimo quinto decret vendit et adjudicat fuerunt pertinere et spectare ad Carolum Craigingelt alias Keirie de Woodsyde tanq^{m} legitimum acquisitorem earund heredesqe ejus et successores omni tempore futuro hereditarie et irredimabiliter pro solutione aut consignatione pretij inibi mentionat ad creditores inibi nominat et ordinan cartas dict terrarum aliorumque predict expediri sub Magno Sigillo in favorem dict Caroli Craigingelt alias Keirie acquisitoris et quæquidem terræ et baronia de Clackmannan aliaqe predict continen̄ comprehenden̄ et jacen̄ modo supramentionat disposite fuerunt per dict Carolum Craigingelt alias Keirie ad et in favorum dict m̄ri Gulielmi Dalrymple et Alexandri Inglis equaliter inter eos heredum et assignatorum suorum quorumeunqe secundum dispositionem concess̄ per illum ad eos de dat octavo Decembris millesimo septingentesimo septimo continen assignationem ad dict decretum venditionis et alienationis et firmas et divorias anni Domini millesimo Septingentesimi sexti. . . . . Apud Edinburgum vigesimo octavo die mensis Maij anno Domini millesimo septingentesimo octavo et anno regni m̄ri septimo.

Commission by King George II. in favour of Mr. David Walker.

From Minute-Book of Court.

4 April 1748.

George R.—We do by these presents nominate, constitute, and appoint our trusty and well-beloved

Mr. David Walker, advocate, during our pleasure only, Sheriff-Depute of the shire or sheriffdom of Stirling and Clackmannan, in that part of our kingdom of Great Britain called Scotland, giving and granting unto him the said office of Sheriff-Depute of the said shire or sheriffdom of Stirling and Clackmannan, with a salary of one hundred and fifty pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, privileges, fees, casualties, and immunities thereunto belonging, as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said kingdom doth or may enjoy the like office, according to the laws and constitutions thereof, and the statute made in the twentieth year of our reign, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him in the said office, for whom he shall be answerable: Providing always he be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our royal predecessors, and now used and accustomed to be uplifted, computed for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature and duty of their offices; and our further pleasure is that the said David Walker do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.—Given at our Court at St James's the eighteenth day of March 1747–48,

in the twenty-first year of our reign. By his Majesty's command.

(Signed) Hollis Newcastle.

Edinburgh, 31 *March* 1748.—Registered this Commission in the Register of Commissions kept in the office of the Director of Chancery in Scotland, as witness the subscription manual of William Smith, Clerk of the said Chancery, and substitute Director of the Honourable Robert Kerr, Esq., Principal Director thereof.

(Signed) William Smith.

Commission by King George II. in favour of Mr. Robert Bruce of Kennet.

From Minute-Book of Court.

2 February 1760.

George R.—We do by these presents constitute and appoint our trusty and well-beloved Robert Bruce of Kennet, advocate, during our pleasure only, Sheriff Depute of the shires or sheriffdoms of Stirling and Clackmannan, in that part of our kingdom of Great Britain called Scotland, in the room and place of Mr. David Walker, who has desired our leave to resign that office, giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Stirling and Clackmannan, with a salary of one hundred and fifty pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, fees, casualties, and immunities thereunto belonging, as fully and

freely in all respects and conditions as any Sheriff-Depute within that part of our said kingdom doth or may enjoy the like office, according to the laws and constitutions thereof and the statute made in the twentieth year of our reign, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him in the said office, for whom he shall be answerable: Providing always he be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our royal predecessors, and now used and accustomed to be uplifted, computed for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature of their offices; and our further pleasure is that the said Robert Bruce do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.—Given at our Court of St. James's the seventh day of December 1759, in the thirty-third year of our reign. By His Majesty's command,

(Signed) HOLDERNESSE.

COMMISSION BY KING GEORGE III. IN FAVOUR OF GEORGE COKBURN.

From Minute-Book of Court.

11 July 1764.

GEORGE R.—We do by these presents constitute and appoint our trusty and well-beloved George

Cokburne, Esq., advocate, during our pleasure only, Sheriff-Depute of the shires or sheriffdoms of Stirling and Clackmannan, in that part of our kingdom of Great Britain called Scotland, in the room and place of Robert Bruce, Esq., giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Stirling and Clackmannan, with a salary of one hundred and fifty pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, fees, casualties and immunities thereunto belonging as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said kingdom doth or may enjoy, the like office, according to the laws and constitutions thereof and the statute made in the twentieth year of the reign of our late royal grandfather, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him in the said office, for whom he shall be answerable: Providing always he be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our royal predecessors, and now used and accustomed to be uplifted, compted for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to do by the laws of Scotland, and the nature and duties of their offices; and our further pleasure is that the said George Cokburne do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.

—Given at our Court at St. James's the twenty-first day of June 1764 years, in the fourth year of our reign. By his Majesty's command,

(Signed) Sandwich.

Edinburgh, 3 *July* 1764. — Registered this Commission in the Register kept in His Majesty's Chancery for registration of Commissions, by me, Mr. John Russell, Clerk to the Signet, Depute of the Honourable Robert Ker, Esquire, Director of the said Chancery, witness my subscription manual.

(Signed) John Russell, Dept.

Commission by King George III. in favour of Alexander Abercromby.

From Minute-Book of Court.

26 March 1770.

George R.—We do by these presents constitute and appoint our trusty and well-beloved Alexander Abercromby, Esquire, advocate, during our pleasure only, Sheriff-Depute of the shires or sheriffdoms of Stirling and Clackmannan, in that part of our kingdom of Great Britain called Scotland, in the room and place of George Cokburne, now George Haldane, Esquire, advocate, giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Stirling and Clackmannan, with a salary of one hundred and fifty pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits,

fees, casualties and immunities thereunto belonging, as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said kingdom doth or may enjoy the like office, according to the laws and constitutions thereof, and the statute made in the twentieth year of our late royal grandfather, and all other statutes in that case made and provided, with power to Alexander Abercromby, Esq., advocate, Sheriff-Depute of Stirling and Clackmannan, to him to nominate and appoint substitutes under him in the said office for whom he shall be answerable: Providing always he be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our royal predecessors, and now used and accustomed to be uplifted, computed for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature and duty of their offices; and our further pleasure is that the said Alexander Abercromby do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date thereof.—Given at our Court at St. James's the 13th day of March 1770, in the tenth year of our reign. By His Majesty's command,

(Signed) ROCHFORD.

Edinburgh, 21 *March* 1770. — Recorded this Commission in His Majesty's Court of Chancery in Scotland, which is certified by me, Alexander Watson,

Depute of David Scott of Scotistarvet, Esq., Director of the said Chancery.

(Signed) Alex. Watson, Dept.

Commission by King George III. in favour of John Pringle, Advocate.

From Minute-Book of Court.

7 July 1780.

George R. — We do by these presents nominate, constitute, and appoint our trusty and well-beloved John Pringle, advocate, to be Sheriff-Depute *ad vitam aut culpam* of the shires or sheriffdoms of Stirling and Clackmannan, in that part of our kingdom of Great Britain called Scotland, in the room and place of Mr. Alexander Abercromby, giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Stirling and Clackmannan, with a salary of one hundred and fifty pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, fees, casualties, and immunities thereunto belonging, as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said kingdom doth or may enjoy the like office, according to the laws and constitutions thereof, and the statute made in the twenty-eighth year of the reign of our late royal grandfather of glorious and happy memory, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him, for whom he shall be answerable for the uplifting, compting for, and making payment unto our

Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our predecessors, and now used and accustomed to be uplifted, computed for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature and duty of their offices; and our further pleasure is that the said John Pringle do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof. —Given at our Court at St. James's the twenty-fourth day of June 1780, in the twentieth year of our reign. By His Majesty's command,

(Signed) STORMONT.

Edinburgh, 5 *July* 1780. — Recorded this Commission in the Record of Chancery in Scotland in terms of the foresaid proviso, which is certified by me, Thomas Miller, writer in Edinburgh, substitute of David Scott of Scotstarvet, Esquire, Director of the said Chancery.

(Signed) THOMAS MILLER, SUB.

COMMISSION BY KING GEORGE III. IN FAVOUR OF JAMES MONCREIFF, ESQUIRE.

From Minute-Book of Court.

18 March 1807.

GEORGE R. — We do by these presents nominate, constitute, and appoint our trusty and well-beloved James Moncreiff, Esquire, advocate, to be Sheriff-

Depute *ad vitam aut culpam* of the shires or sheriffdoms of Clackmannan and Kinross, in that part of our United Kingdom of Great Britain and Ireland called Scotland, in the room and place of David Moneypenny and David Williamson, Esquires, who have severally resigned the same, giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Clackmannan and Kinross, with a salary of three hundred pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, fees, casualties, and immunities thereunto belonging, as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said United Kingdom doth or may enjoy in the like office, according to the laws and constitutions thereof, and the statute made in the twenty-eighth year of the reign of our late royal grandfather of glorious and happy memory, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him, for whom he shall be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties, and other duties and casualties belonging to us, or which did formerly belong to our predecessors, and now used and accustomed to be uplifted, compted for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature and duty of their offices; and our further pleasure is that the said James Moncreiff do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.—Given at

our Court at St. James's the seventeenth day of December 1806, in the forty-seventh year of our reign. By His Majesty's command,

(Signed) SPENCER.

After our hearty commendations, we being made acquainted with the appointment of James Moncreiff, Esquire, advocate, to be Sheriff-Depute *ad vitam aut culpam* of the shires or sheriffdoms of Clackmannan and Kinross in Scotland, in the room of David Moneypenny and David Williamson, Esquires, who have severally resigned the same, do by virtue of His Majesty's Letters of Privy Seal in this behalf authorize and require you to place him upon the Civil Establishment of Scotland for the same, and for so doing this shall be your warrant.—Whitehall, Treasury Chambers, the 2nd day of February 1807.

(Signed) GRENVILLE.
H. PETTY.
W. WICKHAM.

Addressed to the Lord Chief Baron and the rest of the Barons of His Majesty's Court of Exchequer in Scotland, James Moncreiff, Esq., Sheriff-Depute, Clackmannan and Kinross, placed on Civil Establishment.

Edinburgh, 9 *February* 1807. — Recorded this Commission in the Records of His Majesty's Chancery in Scotland in terms of the proviso therein mentioned, by me, Thomas Miller, Subst. of James Dundas, Dept. of The Right Hon. James St. Clair Erskine, Earl of Rosslyn, Director of said Chancery.

(Signed) THOMAS MILLER, SUBST.

Commission by King George IV. in favour of John Tait.

From Minute-Book of Court.

7 July 1829.

George R.—We do by these presents nominate, constitute, and appoint our trusty and well-beloved John Tait, Esquire, advocate, to be Sheriff-Depute *ad vitam aut culpam* of the shires or sheriffdoms of Clackmannan and Kinross, in that part of our United Kingdom of Great Britain and Ireland called Scotland, in the room and place of Sir James Moncreiff, whom we have appointed one of the judges of our Court of Session, giving and granting unto him the said office of Sheriff-Depute of the said shires or sheriffdoms of Clackmannan and Kinross, with a salary of three hundred pounds by the year, and all powers, jurisdictions, and authorities, profits, benefits, fees, casualties, and immunities thereunto belonging, as fully and freely in all respects and conditions as any Sheriff-Depute within that part of our said United Kingdom doth or may enjoy the like office, according to the laws and constitution thereof, and the statute made in the twenty-eighth year of the reign of our late royal great-grandfather of glorious and happy memory, and all other statutes in that case made and provided, with power to him to nominate and appoint substitutes under him, for whom he shall be answerable for the uplifting, compting for, and making payment into our Exchequer of the feuduties, retours, and blanch duties,

and other duties and casualties belonging to us, or which did formerly belong to our predecessors, and now used and accustomed to be uplifted, compted for, and paid, and for performing the other duties and services that Sheriffs-Depute are obliged to by the laws of Scotland and the nature and duty of their offices; and our further pleasure is that the said John Tait do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof. —Given at our Court at Windsor the twenty-ninth day of May 1829, in the tenth year of our reign. By His Majesty's command,

(Signed) Rob. Peel.

Commission by Her Majesty Queen Victoria in favour of George Monro.

From Minute-Book of Court.

28 July 1866.

Victoria R.—We do by these presents nominate, constitute, and appoint our trusty and well-beloved George Monro, Esq., advocate, to be Sheriff *ad vitam aut culpam* of the shires or sheriffdoms of Linlithgow, Clackmannan, and Kinross, in that part of our United Kingdom of Great Britain and Ireland called Scotland, in the room of John Tait, Esq., resigned, giving and granting unto him the said office of Sheriff of the said shires or sheriffdoms of Linlithgow, Clackmannan, and Kinross, with a salary of six hundred and fifty pounds by the year, and all powers, jurisdictions, and

authorities, profits, privileges, fees, casualties, and immunities thereunto belonging or appertaining, with a power to him the said George Monro to nominate and appoint substitutes under him, for whom he shall be answerable, for the uplifting, compting for, and making payment into our Exchequer of the fines, forfeitures, and casualties belonging to us, or which formerly did belong to our royal predecessors, and now used and accustomed to be accounted for and paid, and for performing the other duties and services that Sheriffs are obliged to by the law of Scotland, and the nature and duty of these offices: Provided always that the said George Monro shall not be entitled to claim any compensation for any reduction which may hereafter be made in the casualties, fees, and profits of the said office; and our further will and pleasure is that the said George Monro do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.—Given at our Court at Saint James's the twenty-first day of July 1866, in the thirtieth year of our reign. By her Majesty's command,

(Signed) S. H. Walpole.

From Minute-Book of Court.

At Alloa the 5th day of
September 1881.

The office of Sheriff of the sheriffdom of Linlithgow, Clackmannan, and Kinross having become vacant

through the resignation of George Monro, Esq., late Sheriff of said sheriffdom, in consequence of which vacancy the county of Clackmannan has, in terms of the Act 33 and 34 Vict. cap. 86, been united to the counties of Stirling and Dumbarton under the name of the sheriffdom of Stirling, Dumbarton, and Clackmannan, and the office of Sheriff of such sheriffdom having devolved upon William Ellis Gloag, Esq., advocate, formerly Sheriff of Stirling and Dumbarton, the said William Ellis Gloag appeared and took the oaths and his seat as such Sheriff.

Commission by Her Majesty Queen Victoria in favour of James Muirhead.

From Minute-Book of Court.

1 August 1885.

Victoria R.—We do by these presents nominate, constitute, and appoint our trusty and well-beloved James Muirhead, Esq., advocate, Sheriff of Chancery, to be Sheriff *ad vitam aut culpam* of the sheriffdom of the shires of Stirling, Dumbarton, and Clackmannan, in that part of our United Kingdom of Great Britain and Ireland called Scotland, as constituted by an Act of the session holden in the thirty-third and thirty-fourth years of our reign, giving and granting unto him the said James Muirhead the said office of Sheriff of the said shires of Stirling, Dumbarton, and Clackmannan, with a salary of eight hundred pounds sterling by the year, in lieu of all fees, allowances,

expenses, and emoluments whatsoever: all which fees, allowances, expenses, and emoluments, in so far as drawn by him, shall be paid into our Exchequer; and also giving and granting unto him all powers, jurisdictions, authorities, privileges and immunities thereunto belonging or appertaining, he being bound while he continues in the said office to accept such alterations in the nature of the duties thereof as may hereafter be prescribed by Parliament without claim to compensation or additional remuneration; with power to him the said James Muirhead, but subject always to the provisions of the Sheriff Courts (Scotland) Act, 1877 (40 and 41 Vict. cap. 50), to nominate and appoint substitutes under him, for whom he shall be answerable; and our further will and pleasure is that the said James Muirhead do procure these presents to be registered in the office of the Director of our Chancery in Scotland within the space of three months from the date hereof.—Given at our Court of Saint James the twenty-fifth day of July 1885, in the forty-ninth year of our reign. By Her Majesty's command,

(Signed) RICHD. ASSHETON CROSS.

THE END.

MORRISON AND GIBB, PRINTERS, EDINBURGH.

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